

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
3 HONORABLE JOHN A. KRONSTADT, US DISTRICT JUDGE

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6 UNITED STATES OF AMERICA,)
7 PLAINTIFF,)
8 VS.) NO. CR-18-50 (B) -JAK
9 (1) YI-CHI SHIH, ET AL.,)
10 DEFENDANT.)
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14 REPORTER'S TRANSCRIPT OF JURY TRIAL
15
16 DAY 4, VOLUME II
17
18 TUESDAY MAY 21, 2019
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SERENA WONG, CSR 10250, RPR, CCRR 200
COURT REPORTER PRO TEMPORE
350 W. 1ST STREET
LOS ANGELES, CALIFORNIA 90012
SW10250@GMAIL.COM

1 APPEARANCES:

2 FOR PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE
3 BY: MELANIE SARTORIS
4 ASSISTANT US ATTORNEY
5 JAMES HUGHES,
6 ASSISTANT US ATTORNEY
7 WILLIAMS ROLLINS,
8 ASSISTANT US ATTORNEY
9 KHALDOUN SHOBAKI,
10 ASSISTANT US ATTORNEY
11 312 NORTH SPRING STREET
12 13TH FLOOR
13 LOS ANGELES, CALIFORNIA 90012
14 213-894-2434
15
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20
21
22
23
24
25

12 FOR DEFENDANT:

13 SPERTUS LANDES & UMHOFER
14 BY: JOHN HANUSZ, ESQ.
15 JAMES W. SPERTUS, ESQ.
16 CHRISTINA WASSERMAN, ESQ.
17 1990 SOUTH BUNDY DRIVE
18 SUITE 705
19 LOS ANGELES, CALIFORNIA 90025
20 310-826-4700
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22
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1 LOS ANGELES, CALIFORNIA; TUESDAY MAY 21, 2019

2 --OOO--

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4 (THE FOLLOWING WAS HELD OUTSIDE THE PRESENCE OF

5 THE JURY.)

6 THE CLERK: PLEASE REMAIN SEATED AND COME TO

7 ORDER.

8 THE COURT: WE'RE BACK ON THE RECORD IN THE

9 UNITED STATES VERSUS YI-CHI SHIH. NO JURORS ARE PRESENT.

10 ALL COUNSEL WHO WERE PREVIOUSLY HERE ARE PRESENT. I

11 UNDERSTAND THE GOVERNMENT NOW WANTS TO GO FORWARD WITH THE

12 TESTIMONY.

13 MR. ROLLINS: YES. I APOLOGIZE, YOUR HONOR. WE

14 CONFERRED DURING THE BREAK, AND THERE IS A CHANCE WE COULD

15 CONCLUDE OUR CASE IN CHIEF BEFORE MR. MATTIS IS AVAILABLE

16 ON JUNE 6. AND FOR THAT REASON, WE THINK IT WOULD BE

17 HELPFUL TO HAVE VERY LIMITED TESTIMONY FROM HIM WHILE HE IS

18 AVAILABLE TODAY FOR THE DEFENSE TO CROSS AND THEN ELECT FOR

19 A RECALL AFTER -- OR AFTER THE DEFENSE CASE SO THAT WAY

20 WE'RE NOT UP AGAINST A JUNE 6 DEADLINE WITHOUT ANY

21 WITNESSES LEFT AND MR. MATTIS BEING UNAVAILABLE.

22 MR. SPERTUS: YOUR HONOR, SEPARATING THE CROSS IN

23 THE MANNER THAT COUNSEL JUST DESCRIBED WILL REQUIRE US ON

24 CROSS TO ALWAYS REMIND THE JURY AGAIN ABOUT THE DIRECT. TO

25 SEPARATE CROSS AND DIRECT IS A SEPARATE ERROR IN THIS CASE,

1 AND WE WILL ABSOLUTELY BE GOING BEYOND --

2 THE COURT: NO, THAT IS NOT WHAT I HAVE IN MIND.

3 EXCUSE ME. WHAT I HAVE IN MIND IS THAT IF THE WITNESS IS
4 PRESENTED TODAY, THE DEFENSE SHOULD CROSS-EXAMINATION HIM
5 TODAY, BEST YOU CAN. IF YOU LATER DETERMINE THAT YOU THINK
6 FURTHER CROSS-EXAMINATION IS NECESSARY AND APPROPRIATE AND
7 PERSUADE ME OF THAT, THEN HE WILL BE RECALLED, AND YOU CAN
8 CONDUCT FURTHER CROSS-EXAMINATION.

9 MR. SPERTUS: SO THERE'S TWO ISSUES. EVEN THE
10 CROSS-EXAMINATION THAT MR. HANUSZ DID IS LIKELY GOING TO
11 REQUIRE THE WITNESS TO COME BACK TOMORROW MORNING GIVEN
12 THAT IT IS NOW NOON. AND SO IF THE GOVERNMENT IS GOING TO
13 SUGGEST ANY UNAVAILABILITY TOMORROW, THEN THAT PLAN WON'T
14 WORK.

15 THE COURT: WE'LL SEE HOW IT GOES.

16 MR. SHOBAKHI: YOUR HONOR, I UNDERSTAND HE HAS A
17 FLIGHT BACK TOMORROW, I THINK MIDDAY.

18 THE COURT: AND WE MAY GO A LITTLE LATER TODAY,
19 SO WE CAN FINISH WHAT WE CAN DO TODAY.

20 MR. SPERTUS: WE'RE GOING TO ADJUST ACCORDING TO
21 THE COURT'S RULINGS, OF COURSE. OBVIOUSLY THIS IS
22 SOMETHING THAT WE FEEL VERY STRONGLY SHOULDN'T BE ALLOWED.

23 THE COURT: I UNDERSTAND. I RESPECT THAT.

24 IS MR. MATTIS NEARBY?

25 MR. ROLLINS: YES, YOUR HONOR.

1 THE COURT: WOULD YOU HAVE HIM COME IN, PLEASE.
2 PLEASE COME FORWARD, MR. MATTIS. RIGHT THERE IS
3 FINE. PLEASE BE SEATED. AND WOULD YOU RESTATE YOUR NAME,
4 PLEASE.

5 THE WITNESS: PETER LAWRENCE MATTIS.

6 THE COURT: ALL RIGHT. GOOD AFTERNOON,
7 MR. MATTIS. MR. MATTIS, AS I THINK YOU'VE HEARD, WE'LL
8 BEGIN YOUR TESTIMONY TODAY. WE MAY CONCLUDE IT TODAY OR WE
9 MAY NEED TO HAVE YOU COME BACK ANOTHER DAY.

10 DO YOU UNDERSTAND THAT?

11 THE WITNESS: YES.

12 THE COURT: WITH RESPECT TO YOUR TESTIMONY TODAY,
13 BASED ON RULINGS I'VE MADE IN RESPONSE TO QUESTIONS ABOUT
14 THESE ENTITIES AND THE OPINIONS YOU MAY HAVE ABOUT THEM, I
15 DON'T WANT YOU TO REFER TO THE CHINESE MILITARY OR WEAPON
16 SYSTEMS OR THAT SORT -- IN ANY WORDS THAT WOULD SUGGEST A
17 CONNECTION BETWEEN THESE ENTITIES AND THE CHINESE MILITARY.
18 CAN YOU FOLLOW THAT INSTRUCTION AND STILL PROVIDE YOUR
19 OPINIONS?

20 THE WITNESS: I THINK -- IN SOME CASES, NO. IN
21 SOME CASES, I THINK YES.

22 THE COURT: ALL RIGHT. WITH RESPECT TO -- TO BE
23 CLEAR, I'M DISTINGUISHING A REFERENCE TO THE CHINESE -- TO
24 THE MILITARY OF THE PEOPLE'S REPUBLIC OF CHINA AND THE
25 GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA, SO THAT AN

1 ENTITY THAT IS RELATED TO THE GOVERNMENT IS SOMETHING THAT
2 COULD BE STATED, AS OPPOSED TO IT'S RELATED TO THE MILITARY
3 OF THE PEOPLE'S REPUBLIC OF CHINA.

4 THE WITNESS: ALL RIGHT. I CAN SAY THAT THEY'RE
5 STATE-OWNED ENTERPRISES.

6 THE COURT: YES.

7 THE WITNESS: AM I ALLOWED TO SAY THAT -- TO USE
8 THE WORDS OF AT LEAST ONE OF THE ORGANIZATIONS THAT SAYS
9 THAT IT REPORTS -- THAT IT TAKES DIRECTION FROM THE CENTRAL
10 MILITARY COMMISSION?

11 THE COURT: NO. I'D LIKE YOU TO OMIT THAT.

12 THE WITNESS: I THINK, IN GENERAL, I CAN SAY THAT
13 THEY'RE GOVERNMENT LINKED.

14 THE COURT: ALL RIGHT. THANK YOU. THEN WOULD
15 YOU PLEASE STEP DOWN SO WHEN THE JURY ENTERS YOU CAN BE
16 RECALLED. THANK YOU.

17 MR. SHOBAKHI: YOUR HONOR, ONE QUESTION OF
18 CLARIFICATION. THE COURT SPECIFICALLY PREVIOUSLY SAID THAT
19 WITH RESPECT TO THE 607 INSTITUTE, THE WITNESS COULD
20 TESTIFY ABOUT MISSILES BUT NOT SAY THAT IT WAS RELATED TO
21 THE MILITARY. DOES THAT STILL STAND?

22 THE COURT: YES.

23 MR. SHOBAKHI: THANK YOU, YOUR HONOR.

24 MR. HANUSZ: I'D LIKE TO GET A PROFFER ON WHAT
25 TESTIMONY THE GOVERNMENT INTENDS TO ELICIT.

1 THE COURT: I'D RATHER -- GIVING ALL THE BRIEFING
2 WE'VE HAD AND THE DISCUSSIONS WE'VE HAD, I THINK A LOT OF
3 THAT SHOULD BE KNOWN, NOTWITHSTANDING OUR DISAGREEMENT ON
4 DISCLOSURE.

5 IS IT POSSIBLE TO LET ANDREA KNOW WE'RE READY?

6 (JURY IN AT 12:02 P.M.)

7 THE CLERK: ALL RISE.

8 THE COURT: ALL OF OUR JURORS ARE BACK. PLEASE
9 BE SEATED.

10 LADIES AND GENTLEMEN, I DO WANT TO TELL YOU THAT
11 I TAKE FULL RESPONSIBILITY FOR KEEPING YOU WAITING. IT'S
12 ON ME. AS I SAID AT THE OUTSET, THERE ARE TIMES WHERE WE
13 NEED TO CONFER ABOUT THINGS. WE DO OUR VERY BEST TO DO
14 THOSE WHEN YOU'RE NOT HERE, BUT SOMETIMES WE CAN'T AVOID
15 THAT. SO I TAKE RESPONSIBILITY. I APOLOGIZE TO YOU FOR
16 KEEPING YOU WAITING.

17 WOULD THE GOVERNMENT CALL THE NEXT WITNESS,
18 PLEASE.

19 MR. SHOBAKHI: YES, YOUR HONOR. THE UNITED
20 STATES CALLS PETER L. MATTIS.

21 THE COURT: WOULD YOU COME FORWARD, PLEASE, SIR.

22 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

23 (WITNESS SWORN.)

24 THE CLERK: PLEASE HAVE A SEAT. CAN YOU STATE
25 YOUR FULL NAME AND SPELL IT FOR THE RECORD.

1 THE WITNESS: MY NAME IS PETER LAWRENCE MATTIS,
2 P-E-T-E-R L-A-W-R-E-N-C-E M-A-T-T-I-S.

3 THE COURT: GOOD AFTERNOON, MR. MATTIS.

4 PLEASE PROCEED, MR. SHOBAKHI.

5 PETER L. MATTIS,

6 HAVING BEEN FIRST DULY SWORN,

7 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MR. SHOBAKHI:

10 Q GOOD AFTERNOON, MR. MATTIS. CAN YOU PLEASE TELL THE
11 JURY WHAT YOU DO FOR A LIVING?

12 A I AM A RESEARCH FELLOW IN CHINA STUDIES AT THE VICTIMS
13 OF COMMUNISM MEMORIAL FOUNDATION AND A CONTRIBUTING EDITOR
14 TO THE ONLINE PUBLICATION "WAR ON THE ROCKS." AND MY
15 PRIMARY FOCUS IS ON CHINA, ITS POLITICS, ITS SECURITY, AND
16 THE -- THE PARTY NETWORKS THAT STRETCH OUT FROM THE PARTY
17 CENTER.

18 Q WHEN YOU SAY "PARTY NETWORKS," THAT REFERS TO THE
19 CHINESE GOVERNMENT?

20 A YES.

21 Q CAN YOU DESCRIBE YOUR EDUCATION?

22 A I WAS EDUCATED AT THE UNIVERSITY OF WASHINGTON WITH
23 BACHELOR'S DEGREES IN POLITICAL SCIENCE AND ASIAN STUDIES,
24 WHICH MEANT CONTEMPORARY CHINESE AND JAPANESE HISTORY. I
25 STUDIED AT TSINGHUA UNIVERSITY (PHONETIC) IN BEIJING.

1 WHILE I WAS AN ANALYST AT THE CENTRAL INTELLIGENCE AGENCY,
2 I WORKED ON MY MASTER'S DEGREE AT GEORGETOWN UNIVERSITY
3 WHERE I WROTE A THESIS ON CHINESE INTELLIGENCE OPERATIONS.
4 AND I STARTED AND ABORTED A PH.D. PROGRAM AT THE UNIVERSITY
5 OF CAMBRIDGE.

6 Q YOU STARTED A PH.D. BUT YOU DIDN'T --

7 A I DECIDED TO STOP THE PROGRAM.

8 Q AND CAN YOU DESCRIBE YOUR WORK HISTORY AS IT RELATES
9 TO CHINA?

10 A WELL, I WAS AN UNDERGRADUATE. I WAS A RESEARCH
11 ASSOCIATE AT THE NATIONAL BUREAU OF ASIAN RESEARCH IN
12 SEATTLE. WHEN I -- AFTER I GRADUATED AND WHILE I WAS
13 WAITING FOR SECURITY CLEARANCE, I CONTINUED WORKING THERE.

14 IN 2006 TO 2010, I WORKED AS A COUNTER-INTELLIGENCE AT
15 THE CENTRAL INTELLIGENCE AGENCY. AND AFTER I LEFT, I
16 FINISHED MY MASTER'S DEGREE IN THE SPRING OF 2011 AND WENT
17 TO WORK AT THE JAMESTOWN FOUNDATION, WHERE I EDITED THE
18 CHINA BRIEF, A BIWEEKLY PUBLICATION ON CHINA, FROM 2011 TO
19 2013. AND I REMAINED AS A NONRESIDENT FELLOW UNTIL THE
20 SPRING OF LAST YEAR, BEFORE I MOVED OVER TO THE VICTIM'S OF
21 COMMUNISM MEMORIAL FOUNDATION.

22 Q IN THE COURSE OF YOUR WORK, DO YOU CONDUCT RESEARCH ON
23 CHINA?

24 A YES.

25 Q AND HOW DO YOU CONDUCT RESEARCH ON CHINA?

1 A I USE SECONDARY LITERATURE FROM NONCHINESE ACADEMICS.
2 I USE INTERNET RESEARCH. I RESEARCH USING CHINESE
3 PUBLICATIONS, BOTH FROM THE PEOPLE'S REPUBLIC OF CHINA AND
4 FROM THE REPUBLIC OF CHINA OR TAIWAN. I SOMETIMES USE
5 RESEARCH DATABASES LIKE PROQUEST OR LEXUS NEXUS, AS WELL AS
6 THE CHINA NATIONAL KNOWLEDGE INFRASTRUCTURE, WHICH IS A
7 DATABASE IN THE PRC THAT CAN BE ACCESSED FROM ABROAD.

8 Q WHEN YOU SAY "PRC," IS THAT PEOPLE'S REPUBLIC OF
9 CHINA?

10 A PEOPLE'S REPUBLIC OF CHINA, YES.

11 Q SO THAT'S A CHINESE DATABASE?

12 A YES. CHINESE PERIODCALS, MAGAZINES, JOURNALS.

13 Q AND THROUGH YOUR WORK RESEARCHING CHINA, HAVE YOU
14 BECOME FAMILIAR WITH THE TYPES OF INFORMATION SOURCES
15 AVAILABLE ABOUT CHINA AND THE RELATIVE RELIABILITY OF THOSE
16 VARIOUS SOURCES?

17 A I WOULD LIKE TO THINK SO.

18 Q DOES YOUR EXPERIENCE AS A RESEARCHER INFORM YOUR
19 ABILITY TO EVALUATE SOURCES?

20 A YES.

21 Q HAVE YOU BEEN INVOLVED IN WRITING PUBLICATIONS BASED
22 ON YOUR WORK ABOUT CHINA?

23 A YES.

24 Q AND WHAT FORM OF PUBLICATIONS HAVE YOU BEEN INVOLVED
25 WITH?

1 A I'VE WRITTEN QUITE A FEW SHORT ARTICLES. I'VE WRITTEN
2 SEVERAL BOOK CHAPTERS, AND I WROTE A SHORT MONOGRAPH ON THE
3 CHINESE MILITARY, AND I HAVE A FORTHCOMING BOOK THAT I WAS
4 CO-AUTHORED ON ON THE ESPIONAGE ACTIVITY OF THE CHINESE
5 COMMUNIST PARTY FROM 1927 TO THE PRESENT.

6 MR. SPERTUS: OBJECTION, YOUR HONOR. THAT
7 VIOLATES THE COURT'S ORDER.

8 THE COURT: LADIES AND GENTLEMEN, PLEASE
9 DISREGARD THE LAST TESTIMONY PLEASE.

10 NEXT QUESTION.

11 Q BY MR. SHOBAKHI: ARE YOU PART OF ANY PROFESSIONAL
12 ORGANIZATIONS?

13 A I HAVE BEEN SOME PART OF THE NATIONAL STUDIES
14 ASSOCIATION AND THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

15 Q WHAT ARE THOSE?

16 A THEY'RE ACADEMIC ORGANIZATIONS THAT HOST ANNUAL OR
17 REGIONAL CONFERENCES.

18 Q HAVE YOU ALSO BEEN AN INVESTIGATOR ON GRANTS RELATED
19 TO CHINA?

20 A YES.

21 Q AND WHAT ARE GRANTS?

22 A YOU PROVIDE A -- IN THESE CASES, I PROVIDED A PROPOSAL
23 TO SEVERAL FOUNDATIONS. AND THE SMITH RICHARDSON
24 FOUNDATION ACCEPTED BOTH FOR RUNNING THE JAMESTOWN
25 FOUNDATION'S CHINA BRIEF AND ALSO FOR -- AND ALSO FOR A

1 BOOK PROJECT.

2 Q SO DID YOU WRITE PROPOSALS FOR THOSE?

3 A YES, I DID.

4 Q AND WERE THOSE FOR RESEARCH RELATED TO CHINA?

5 A YES.

6 Q AND YOU WERE GIVEN GRANTS TO CARRY ON THAT WORK?

7 A YES.

8 Q HAVE YOU ENGAGED IN SPEAKING ENGAGEMENTS RELATED TO
9 CHINA?

10 A YES.

11 Q CAN YOU JUST BRIEFLY DESCRIBE, KIND OF, THE NATURE OF
12 THAT?

13 A I'VE BEEN INVITED TO SPEAK AT UNIVERSITIES TO
14 GOVERNMENT AUDIENCES, TO TESTIFY IN FRONT OF CONGRESS
15 RELATED TO THE SECURITY EFFORTS OF THE CHINESE GOVERNMENT.

16 MR. SHOBAKHI: YOUR HONOR, AT THIS POINT, I'D
17 MOVE TO QUALIFY MR. MATTIS AS AN EXPERT ON RESEARCH ON
18 CHINA AND THE CHINESE GOVERNMENT.

19 MR. SPERTUS: YOUR HONOR, WE OBJECT TO THE COURT
20 QUALIFYING MR. MATTIS AS AN EXPERT ON ANYTHING. BUT WE
21 WON'T OBJECT TO OPINION QUESTIONS.

22 THE COURT: ALL RIGHT. I FIND HE'S SUFFICIENTLY
23 QUALIFIED TO PROVIDE THE OPINIONS THAT HAVE BEEN OFFERED
24 AND ADDRESSED IN THIS MATTER BY COUNSEL AND MYSELF. AND
25 WITHOUT -- AND RECOGNIZING THE DISAGREEMENT AS TO CERTAIN

1 OF THOSE ISSUES.

2 GO AHEAD, PLEASE.

3 Q BY MR. SHOBAKHI: IN CONNECTION WITH THIS CASE, WERE
4 YOU ASKED TO RESEARCH AND PROVIDE OPINIONS AS TO THE NATURE
5 AND IDENTITY OF CERTAIN ENTITIES?

6 A YES.

7 Q OKAY. NOW, WITH RESPECT TO THOSE ENTITIES, I'LL ASK
8 YOU A NAME AND THEN ASK YOU TO PROVIDE YOUR OPINION WITH
9 RESPECT TO THAT ENTITY, MINDFUL OF THE VARIOUS
10 ADMONISHMENTS, PLEASE.

11 FIRST, CHINA ELECTRONICS TECHNOLOGY GROUP
12 CORPORATION, 29 RESEARCH INSTITUTE, SET C-29, AKA CHINA
13 SOUTHWEST ELECTRONIC EQUIPMENT RESEARCH INSTITUTE, AKA 29
14 INSTITUTE, AKA CHENGDU SIWEI ELECTRONICS COMPANY, DID YOU
15 FORM AN OPINION BASED ON YOUR RESEARCH ABOUT THAT ENTITY?

16 A YES.

17 Q AND CAN YOU PLEASE SAY WHAT THAT OPINION IS.

18 A THAT THE CHINA ELECTRONICS TECHNOLOGY GROUP
19 CORPORATIONS, 29TH RESEARCH INSTITUTE IS A STATE-OWNED
20 RESEARCH INSTITUTE THAT DOES RESEARCH ON ELECTRONIC
21 COMPONENTS THAT -- IN WHICH THE CHINESE GOVERNMENT HAS AN
22 INTEREST IN DEVELOPING.

23 Q NOW, WITH RESPECT TO CHENGDU RML TECHNOLOGY COMPANY
24 LIMITED, IS THAT AN ENTITY ABOUT WHICH YOU'VE REACHED AN
25 OPINION BASED ON YOUR RESEARCH?

1 A YES.

2 Q CAN YOU PLEASE TELL THE JURY WHAT YOUR OPINION IS,
3 BASED ON YOUR RESEARCH?

4 A IT APPEARS TO BE STAFFED BY -- OR AT LEAST ONE OR TWO
5 OF THE INDIVIDUALS THAT ARE ASSOCIATED WITH THAT COMPANY
6 APPEAR TO BE -- APPEAR TO BE RELATED TO THE CHINESE
7 GOVERNMENT, AND THEY APPEAR TO ACT AS FACILITATORS
8 CONNECTING PEOPLE OUTSIDE CHINA TO COMPANIES INSIDE CHINA
9 WITH AN INTEREST IN DEVELOPING COOPERATIVE AGREEMENTS.

10 Q WITH RESPECT TO KING -- I'M SORRY ABOUT THE
11 PRONUNCIATION -- QING'AN INTERNATIONAL TRADING CO.
12 LIMITED, AKA QING'AN TRAINING GROUP OR QTC, DID YOU REACH
13 AN OPINION?

14 A YES.

15 Q CAN YOU PLEASE TELL THE JURY WHAT THAT IS.

16 A THE QING'AN TRADING CORPORATION, AGAIN, APPEARS TO BE
17 LINKED TO THE CHINESE GOVERNMENT; AND IT APPEARS TO MAKE
18 CONNECTIONS BETWEEN FOREIGN ENTITIES AND RESEARCH
19 INSTITUTES INSIDE CHINA FOR THE PURPOSE OF DEVELOPING
20 COOPERATIVE AGREEMENTS THAT RELATE TO EXPERTISE OR
21 TECHNOLOGY THAT IS DESIRED INSIDE THE PEOPLE'S REPUBLIC OF
22 CHINA.

23 Q WITH RESPECT TO CHINA AVIONICS SYSTEMS CO. LIMITED,
24 DID YOU REACH AN OPINION AS TO THAT ENTITY?

25 A YES. IT IS A STATE-OWNED ENTERPRISE THAT IS ACTIVE IN

1 ALL PARTS OF THE AEROSPACE INDUSTRY.

2 Q NOW, WITH RESPECT TO THE NUMBER 607 INSTITUTE, DID YOU
3 REACH AN OPINION WITH RESPECT TO THAT ENTITY?

4 A THE AVIC 607 INSTITUTE IS A SUBSIDIARY OF THE LARGER
5 BODY, AND IT SEEMS TO BE FOCUSED ON ELECTRONIC COMPONENTS
6 THAT MIGHT -- OR THAT COULD BE USED IN MISSILES OR MISSILE
7 GUIDANCE SYSTEMS.

8 Q FINALLY, WITH RESPECT TO BEIJING -- AGAIN, I'M SORRY
9 THE PRONUNCIATION -- BEIJING TIAN HANG SONG BAI TECHNOLOGY
10 INVESTMENT CO. LIMITED, DID YOU REACH AN OPINION BASED ON
11 YOUR RESEARCH?

12 A I WAS UNABLE TO FORM AN OPINION BASED ON MY RESEARCH.

13 MR. SHOBAKHI: NO FURTHER QUESTIONS, YOUR HONOR.

14 THE COURT: JUST A MINUTE. BEFORE -- I JUST WANT
15 TO TALK YOU BRIEFLY AT THE SIDE.

16 (SIDEBAR DISCUSSION.)

17 THE COURT: MR. HANUSZ, MY QUESTION IS THIS. DO
18 YOU WANT ME TO TELL THE JURY THAT THERE'S -- EITHER PRIOR
19 TO OR AFTER YOUR EXAMINATION OR AFTER THE REDIRECT, THAT
20 THERE'S A POSSIBILITY THAT THIS WITNESS MAY AGAIN BE
21 CALLED?

22 MR. SPERTUS: CAN I ADDRESS THIS POINT? WE'VE
23 DISCUSSED THIS POINT, IT WILL BE LATER AT TRIAL. THERE
24 WILL BE NO CROSS AT THIS TIME.

25 THE COURT: IF THE GOVERNMENT RESTS, WHAT ARE WE

1 GOING TO DO?

2 MR. SPERTUS: WE'RE NOT IN A POSITION TO CROSS.

3 WE WILL NEED TO RESEARCH IT.

4 THE COURT: THAT'S FINE. YOU CAN RESEARCH.

5 BE MINDFUL OF THE FOLLOWING. AS I SAID, I ALREADY RULED ON
6 THIS AREA, WHICH I THINK YOU CAN PRESENTLY CROSS-EXAMINE.

7 THERE'S NO ASSURANCE -- NO ONE HAS GUARANTEED THAT THE
8 WITNESS WILL BE RECALLED, DEPENDING ON THE TIMING OF TRIAL
9 AND THE SCHEDULING. SO IF HE -- I'LL DO MY BEST, BUT I
10 THINK THERE ARE AREAS IN WHICH YOU, AS YOU DID EARLIER, CAN
11 CROSS-EXAMINE THE WITNESS AT THIS TIME. AND IF YOU ELECT
12 NOT TO DO THAT, I THINK THERE'S SOME POSSIBILITY THAT THE
13 WITNESS MAY NOT BE RECALLED.

14 MR. SPERTUS: BRIEFLY, THE CROSS THAT HAPPENED AT
15 THE 702 HEARING WAS MINIMALLY RESEARCHED, AND WE DON'T
16 BELIEVE IT IS APPROPRIATE FOR US TO EVEN DO THAT CROSS
17 TODAY, BUT WE AREN'T ACCEPTING RISK. RESPECTFULLY, THE
18 COURT MUST MAKE HIM AVAILABLE.

19 MR. SHOBAKHI: YOU CAN AGREE TO DISAGREE. YOU
20 CAN GO TO HIS ABILITIES AND ABILITY TO OPINE ON CHINESE
21 MATTERS. THERE'S A POSSIBILITY THAT THIS MAY NOT HAPPEN.
22 I'M THE ONE WHO BROUGHT THIS UP. I'M THE ONE WHO SUGGESTED
23 HAVING HIM COME BACK. I'M NOT GETTING IN THE WAY OF
24 ANYTHING, BUT THERE'S ALWAYS THE POSSIBILITY THAT A WITNESS
25 SAYS I CAN'T DO IT.

1 MR. SPERTUS: WE ARE HOPEFUL THAT THE OBSTACLES
2 CAN BE CIRCUMVENTED. I DON'T WANT THE RECORD TO SAY WE'RE
3 ACCEPTING THIS WITNESS.

4 THE COURT: I'M TELLING YOU ARE AT THAT RISK
5 BECAUSE OF THE REASONS I'VE STATED.

6 MR. SPERTUS: I UNDERSTAND, YOUR HONOR. THANK
7 YOU, YOUR HONOR.

8 THE COURT: MR. HANUSZ.

9 MR. HANUSZ: WE RESERVE CROSS UNTIL LATER IN THE
10 TRIAL.

11 (SIDEBAR CONCLUDED.)

12 THE COURT: THANK YOU, MR. MATTIS. WE'RE GOING
13 TO STOP YOUR TESTIMONY AT THIS POINT, AND EXPECT THAT YOU
14 MAY BE RECALLED LATER IN THE TRIAL. THANK YOU.

15 THE GOVERNMENT CAN CALL ITS NEXT WITNESS, PLEASE.

16 MS. SARTORIS: YES, YOUR HONOR. THE GOVERNMENT
17 CALLS JOSH PASCOE.

18 THE CLERK: PLEASE STEP FORWARD.

19 (WITNESS SWORN.)

20 THE CLERK: PLEASE HAVE A SEAT. PLEASE STATE
21 YOUR FULL NAME AND SPELL IT FOR THE RECORD.

22 THE WITNESS: JOSHUA LEWIS PASCOE, J-O-S-H-U-A
23 L-O-U-I-S P-A-S-C-O-E.

24 THE COURT: GOOD AFTERNOON, MR. PASCOE.

25 PLEASE PROCEED.

1 MS. SARTORIS: THANK YOU, YOUR HONOR.

2 JOSHUA LOUIS PASCOE,

3 HAVING BEEN FIRST DULY SWORN,

4 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MS. SARTORIS:

7 Q GOOD AFTERNOON.

8 A HELLO.

9 Q WHO DO YOU WORK FOR?

10 A I WORK FOR HONEYWELL.

11 Q AND HOW LONG HAVE YOU DONE THAT?

12 A I'VE WORKED FOR THEM SINCE THE YEAR 2000.

13 Q WHAT IS YOUR TITLE?

14 A I'M THE VICE PRESIDENT OF TOWN ACQUISITION FOR OUR
15 AEROSPACE BUSINESS.

16 Q HOW LONG HAVE YOU DONE THAT?

17 A I'VE BEEN IN THAT ROLE SINCE SEPTEMBER OF 2018.

18 Q WHAT WAS YOUR POSITION PRIOR TO THAT?

19 A PRIOR TO THAT, I WAS THE SENIOR DIRECTOR FOR HR DATA
20 AND ANALYTICS.

21 Q WHAT DOES THAT MEAN?

22 A IN MY ROLE, I OVERSAW OUR CORE HR DATA SYSTEM CALLED
23 PEOPLESOFIT, SO KEPT ALL THE EMPLOYEE RECORDS. I WAS ALSO
24 RESPONSIBLE FOR REPORTING IN ANALYTICS FOR THE HR FUNCTION.

25 Q SO YOU WERE THE GO-TO PERSON IF SOMEBODY NEEDED

1 INFORMATION OR DOCUMENTS ABOUT AN EMPLOYEE OF HONEYWELL?

2 A YES. PEOPLE WOULD COME TO ME FOR INFORMATION ABOUT
3 CURRENT OR FORMER EMPLOYEES.

4 Q IN THAT POSITION, DID THERE COME A TIME WHEN YOU WERE
5 REQUESTED TO OBTAIN INFORMATION THAT HONEYWELL MAY HAVE
6 ABOUT AN INDIVIDUAL NAMED YI-CHI SHIH?

7 A YES, I WAS REQUESTED TO PROVIDE INFORMATION ON HIM.

8 Q DID YOU GATHER INFORMATION?

9 A YES. I LOOKED AT SOME OF THE BASIC EMPLOYEE DATA, AS
10 WELL AS THE LEARNING INFORMATION ON HIM.

11 Q SO YI-CHI SHIH WAS A CURRENT OR FORMER EMPLOYEE OF
12 HONEYWELL?

13 A HE WAS A FORMER EMPLOYEE WHEN I WAS REQUESTED TO GET
14 THE INFORMATION.

15 Q DOES HONEYWELL OFFER TRAINING?

16 A YES. HONEYWELL OFFERS A LOT OF DIFFERENT TRAINING TO
17 EMPLOYEES.

18 Q COULD YOU DESCRIBE THAT GENERALLY, HOW IT'S WORKED AND
19 HOW IT'S TRACKED BY HONEYWELL?

20 A SURE. WE HAVE WHAT'S CALLED A LEARNING MANAGEMENT
21 SYSTEM. AND IN THAT SYSTEM, WE OFFER DIFFERENT TYPES OF
22 TRAINING FOR EMPLOYEES THAT THEY CAN EITHER SIGN UP FOR OR
23 THAT IS ASSIGNED TO THEM. SOMETIMES THE TRAINING IS
24 DIRECTLY IN THE WEBSITE. SO YOU SIGN INTO THE WEBSITE.
25 YOU PULL UP THE TRAINING MATERIAL AND TAKE THE COURSE

1 ONLINE. OTHER TIMES, YOU MIGHT ATTEND A TRAINING IN
2 PERSON. AND AFTERWARDS, THE COURSE OWNER OR THE INSTRUCTOR
3 WILL SUBMIT THOSE RECORDS, AND THEN WE UPDATE THE TRAINING
4 SYSTEM TO SHOW THAT THAT COURSE WAS COMPLETED.

5 Q SO BACKING UP A LITTLE BIT, YOU MENTIONED TWO
6 DIFFERENT KINDS OF TRAINING. ONE IS A WEBSITE, AND YOU
7 MENTIONED SIGNING IN. COULD YOU DESCRIBE HOW THAT WORKS,
8 GENERALLY.

9 A SURE. ALL EMPLOYEES HAVE A SPECIFIC UNIQUE IDENTIFIER
10 OR WHAT WE CALL AN EID. SO THE EMPLOYEE WILL TYPE IN THEIR
11 EID, AS WELL AS THEIR SPECIFIC PASSWORD AND IT WOULD LOG
12 THEM INTO A LEARNING SYSTEM. AND ONCE THEY'RE IN THE
13 SYSTEM, THEY CAN TAKE THE TRAINING. AND ONCE THEY COMPLETE
14 IT, THE RECORD WILL BE STORED AUTOMATICALLY IN THE SYSTEM.

15 Q AND THEN COULD YOU DESCRIBE -- YOU DESCRIBED, ALSO,
16 LIVE TRAINING THAT SOMEONE MIGHT ATTEND. HOW DOES
17 INFORMATION ABOUT WHO ATTENDED THAT TRAINING MAKE ITS WAY
18 INTO THE HONEYWELL SYSTEM?

19 A SURE. THE COURSE TRAINER WOULD HAVE SIGN-IN SHEET.
20 ALL THE PARTICIPANTS WOULD SIGN. NORMALLY, IT WOULD
21 PRINTED OUT AND THEIR HAVE EID. THEY WOULD SIGN THEIR NAME
22 NEXT TO IT. AND AFTERWARDS THE TRAINER WOULD SUBMIT THAT
23 TO OUR LEARNING TEAM, WHO WOULD THEN UPDATE THE RECORDS IN
24 THE LEARNING SYSTEM TO SHOW THAT THE COURSE HAD BEEN
25 COMPLETED.

1 Q THE HONEYWELL LEARNING SYSTEM WOULD TRACK THE
2 TRAININGS THAT INDIVIDUAL EMPLOYEES OF HONEYWELL HAD BASED
3 ON THOSE TWO WAYS YOU JUST DESCRIBED?

4 A YES, WE TRACK IT BASED ON THOSE TWO WAYS.

5 Q CAN I ASK YOU TO LOOK AT WHAT'S BEEN MARKED AS
6 GOVERNMENT'S EXHIBIT 1676?

7 A SURE. I HAVE THE EXHIBIT.

8 Q YOU MENTIONED THAT YOU PULLED INFORMATION REGARDING
9 YI-CHI SHIH. DID YOU OBTAIN YI-CHI SHIH'S TRAINING
10 RECORDS?

11 A YES, I DID. THAT'S WHAT THIS EXHIBIT IS.

12 Q SO LOOKING AT EXHIBIT 1676, COULD YOU EXPLAIN
13 GENERALLY -- WE'LL GO THROUGH IT MORE SPECIFICALLY, BUT
14 COULD YOU JUST GENERALLY EXPLAIN WHAT THIS IS FOR THE JURY.

15 A SURE. THIS IS A SUMMARY OF THE TRAINING THAT HE WOULD
16 HAVE TAKEN WHILE AT HONEYWELL. THE FIRST FOUR PAGES LIST
17 HIS NAME, AS WELL AS THE ENTITY TITLE, WHICH IS THE COURSE.
18 THE NEXT FOUR PAGES THEN ACTUALLY CORRESPOND TO THE
19 COMPLETION DATE OF THE TRAINING. SO IT'S REALLY TWO PARTS.
20 IT'S, LIKE, AN EXTENDED SPREADSHEET. THE FIRST PART LISTS
21 THE COURSE. THE SECOND PART LISTS THE TRAINING DATES.

22 Q SO I WOULD LIKE FOR US TO SPEND A LITTLE BIT OF TIME
23 WALKING THROUGH THIS EXHIBIT.

24 WITH THE COURT'S PERMISSION, I WOULD LIKE TO HAND
25 A COPY OF 1676 TO THE WITNESS SO THAT HE CAN WRITE ON SO HE

1 CAN CORRESPOND CERTAIN TRAININGS. AND THAT WAY WE CAN MARK
2 IT AS AN EXHIBIT, AND IT CAN GO BACK TO THE JURY TO REVIEW
3 LATER SO THEY CAN BETTER UNDERSTAND THE EXHIBIT.

4 MR. HANUSZ: WE WOULD OBJECT TO THE WITNESS
5 MAKING MARKINGS ON THE EXHIBIT AND SENDING THAT BACK TO THE
6 JURY.

7 MS. SARTORIS: YOUR HONOR, I WOULD BE MAKING THIS
8 A NEW EXHIBIT, SO 1676 WOULD REMAIN PRISTINE.

9 THE COURT: WHAT'S THE NEW EXHIBIT'S NUMBER, FOR
10 IDENTIFICATION?

11 MS. SARTORIS: IT WOULD BE 1677.

12 THE COURT: DO YOU UNDERSTAND -- OR 1676-A?

13 THE CLERK: "A."

14 THE COURT: CAN YOU MAKE IT 1676-A?

15 MS. SARTORIS: SURE, YOUR HONOR, THAT WOULD BE
16 FINE.

17 THE COURT: THE WITNESS MAY MARK 1676-A, BUT
18 THAT'S NOT A DETERMINATION AS TO ITS ADMISSIBILITY.

19 (EXHIBIT 1676-A WAS MARKED FOR IDENTIFICATION.)

20 MS. SARTORIS: THANK YOU, YOUR HONOR. AND I WILL
21 HAND THE WITNESS, THEN, A HIGHLIGHTER AND A PEN SO THAT HE
22 MAY DO THAT.

23 THE COURT: MS. SARTORIS, YOU ALSO MAY BE AWARE,
24 BUT THE WITNESS CAN TOUCH THE SCREEN AND ANNOTATE EXHIBITS
25 THAT ARE PUBLISHED.

1 MS. SARTORIS: YES, YOUR HONOR. I JUST THINK IT
2 WOULD BE HELPFUL FOR THE JURY TO HAVE SOMETHING TO REFER TO
3 LATER. AND I THOUGHT IF IT WAS DONE IN COURT, IT WOULD NOT
4 BE CONSIDERED HEARSAY.

5 THE COURT: OKAY. AGAIN, WE'LL RESERVE THOSE
6 ISSUES. THANK YOU.

7 MS. SARTORIS: THANK YOU.

8 Q BY MS. SARTORIS: SO, MR. PASCOE, IF YOU COULD TAKE A
9 MINUTE TO LOOK AT 1676-A AND JUST SATISFY FOR YOURSELF THAT
10 IT IS -- RESEMBLES 1676. OR NOT JUST RESEMBLES, BUT IS
11 IDENTICAL.

12 A YES, IT IS IDENTICAL.

13 Q THANK YOU.

14 MS. SARTORIS: YOUR HONOR, I WOULD MOVE 1676 INTO
15 EVIDENCE.

16 THE COURT: ANY OBJECTION TO THE ADMISSION OF
17 1676, NOT 1676-A?

18 MR. HANUSZ: NO OBJECTION AS TO 1676, YOUR HONOR.

19 THE COURT: THANK YOU. EXHIBIT 1676 IS
20 ADMITTED.

21 (EXHIBIT 1676 WAS ADMITTED.)

22 Q BY MS. SARTORIS: MR. PASCOE, LOOKING AT EXHIBIT 1676
23 -- I THINK YOU MENTIONED THAT THIS REFLECTS THE TRAINING
24 LOG THAT HONEYWELL MAINTAINED IN ITS LEARNING SYSTEMS FOR
25 YI-CHI SHIH?

1 A YES, THAT IS CORRECT.

2 Q AND CAN I ASK YOU TO LOOK NOW AT WHAT'S BEEN MARKED AS
3 GOVERNMENT'S EXHIBIT 1670. ACTUALLY, LOOK AT 1670 THROUGH
4 1674.

5 A (REVIEWING DOCUMENT.) OKAY.

6 Q THANK YOU. DO YOU RECOGNIZE WHAT THOSE EXHIBITS ARE?

7 A THESE ARE THE SPECIFIC TRAINING CONTENT THAT ARE
8 ALIGNED TO SOME OF THE COURSES ON 1676, SOME OF THE
9 SPECIFIC TRAINING THAT WOULD HAVE BEEN DONE.

10 Q SO THOSE EXHIBITS DON'T REFLECT ALL OF THE TRAINING
11 THAT IS LISTED ON THIS EXHIBIT 1676, DO THEY?

12 A NO. JUST A SUBSECTION OF THE TRAININGS.

13 Q AND HOW DO YOU KNOW THAT?

14 A WHEN I --

15 Q NOT SPECIFICALLY, BUT GENERALLY HOW DO YOU KNOW THAT?
16 DID YOU INDIVIDUALLY RESEARCH THIS?

17 A YES. I WAS REQUESTED TO PULL SOME SPECIFIC TRAININGS,
18 SO I WENT BACK AND PULLED THESE SPECIFIC ONES.

19 MS. SARTORIS: YOUR HONOR, KEEPING IN MIND THE
20 DISCUSSION THAT WE HAD YESTERDAY, THE GOVERNMENT WOULD MOVE
21 GOVERNMENT'S EXHIBITS 1670 THROUGH 1674 INTO EVIDENCE.

22 MR. HANUSZ: NO OBJECTION, YOUR HONOR.

23 THE COURT: ALL RIGHT. THOSE ARE ADMITTED.

24 (EXHIBITS 1670 THROUGH 1674 WERE ADMITTED.)

25 Q BY MS. SARTORIS: SO I'M NOT GOING TO ASK YOU TO GO

1 THROUGH THEM WITH THE JURY AT THIS TIME. BUT WHAT WE WOULD
2 LIKE TO DO IS GO THROUGH THE TRAINING LOG SO THAT YOU CAN
3 HELP CORRESPOND THE DIFFERENT EXHIBIT NUMBERS TO THE LOG.

4 DOES THAT MAKE SENSE?

5 A YES.

6 Q AND IF YOU COULD, WHILE WE TALK ABOUT THIS, IF YOU
7 COULD HIGHLIGHT ON THE DOCUMENT THAT WAS IDENTIFIED AS
8 1676-A AND WRITE THE EXHIBIT NUMBER NEXT TO IT, WHILE AT
9 THE SAME TIME YOU COULD POINT TO IT ON THE SCREEN, AS THE
10 COURT HAD SUGGESTED WAS POSSIBLE, SO THAT THE JURY CAN SEE
11 IT. OR NOT AT THE SAME TIME, BUT ROUGHLY THE SAME TIME.

12 A OKAY.

13 Q THANK YOU.

14 SO IF WE START BY LOOKING AT -- IF YOU LOOK AT
15 THE FIRST PAGE OF GOVERNMENT'S EXHIBIT 1676, AT THE BOTTOM
16 IT SAYS 22765, AND IF YOU LOOK ABOUT A THIRD TO A QUARTER
17 OF THE WAY UP THE PAGE AND YOU SEE AN ENTRY MARKED EXPORT
18 COMPLIANCE AWARENESS.

19 DO YOU SEE THAT?

20 A YES, IT SHOWS UP TWICE, ACTUALLY, TOWARD THE BOTTOM.

21 Q IT DOES SHOW UP TWICE. CAN YOU EXPLAIN WHY THAT IS?

22 A YES. WHEN I LOOKED AT THE TRAINING RECORDS, THIS WAS
23 AN ONLINE COURSE. THE FIRST TIME THERE WAS NO GRADE OR
24 SCORE FROM THE TEST THAT WAS RECORDED, SO IT LOOKS LIKE THE
25 TRAINING WAS DONE TWO DAYS LATER.

1 Q AND DONE BY WHO?

2 A YI-CHI SHIH IN OUR LEARNING MANAGEMENT SYSTEM.

3 Q SO IF YOU TURN TO GOVERNMENT'S -- WELL, LOOKING AT THE
4 GOVERNMENTS' EXHIBITS THAT I ASKED YOU TO REVIEW, WHICH, IF
5 ANY OF THESE, REFER TO THAT TRAINING?

6 A IT'S EXPORT COMPLIANCE AWARENESS. IT WOULD BE EXHIBIT
7 1670.

8 Q AND SO IF YOU COULD WRITE 1670 NEXT TO THE TRAINING ON
9 1676-A FOR BOTH OF THOSE.

10 SO HOW DO YOU KNOW THAT THAT IS THE SAME -- THAT
11 GOVERNMENT'S EXHIBIT 1670 IS THE SAME TRAINING THAT WAS
12 IDENTIFIED ON THIS CHART?

13 A WHEN I PULLED THE TRAINING, I WENT INTO THE DETAILS,
14 AND I WAS ABLE TO MATCH THE COURSE CONTENT ON THE FIRST
15 PAGE OF 1670. IT SAYS LMS COURSE 8222. I WAS ABLE TO
16 MATCH THAT SPECIFIC TO THE TRAINING RECORD AND THEN PULL
17 THE SPECIFIC TRAINING DEC.

18 Q OKAY. AND IS THAT TRAINING DEC WHAT IS MARKED AS
19 1670?

20 A YES, IT IS.

21 Q AND YOU MENTIONED PREVIOUSLY THAT THERE WAS -- WELL,
22 CAN YOU TELL FROM LOOKING AT THIS THAT THIS WAS A COMPUTER
23 PROGRAM OR A LIVE TRAINING?

24 A I CANNOT TELL FROM THIS SPECIFIC EXHIBIT. BUT I
25 WENT INTO OUR TOOL AND WAS ABLE TO SEE THAT IT WAS

1 WEB-BASED TRAINING ONLINE.

2 Q AND YOU MENTIONED, AS WELL, THAT THERE WAS A QUIZ AT
3 THE END?

4 A YES. IF YOU GO RIGHT NEAR THE END, THE -- ONE, TWO,
5 THREE --

6 Q ARE YOU LOOKING --

7 A 1670, THIRD TO THE LAST PAGE, IT SAYS QUIZ QUESTION.
8 AND THAT'S WHAT SHOWS THERE WAS A QUIZ. AND WHEN I LOOKED
9 AT OUR TRAINING RECORD, I COULD SEE THE FIRST TIME THERE
10 WAS NO SCORE FOR THE QUIZ, AND THE SECOND TIME THERE WAS A
11 SCORE.

12 Q AND IN THE GOVERNMENT'S EXHIBIT, JUST FOR
13 CLARIFICATION, DOES THIS EXHIBIT REFLECT YI-CHI SHIH'S
14 ACTUAL EXAM ANSWERS ON THE ONLINE TEST?

15 A NO, IT DOES NOT.

16 Q WERE YOU ABLE TO DETERMINE THAT HE ANSWERED THE
17 QUESTIONS?

18 A YES. WHEN I WENT INTO DETAILS INTO THE SYSTEM, I SAW
19 THAT THE FIRST TIME THERE WAS NO SCORE. BUT THEN THE
20 SECOND TIME, THERE WAS A SCORE FOR THE TEST RESULTS.

21 Q OKAY. SO YOU MENTIONED PREVIOUSLY THAT YOU -- THE
22 FIRST, I THINK, FOUR PAGES OF 1676 REFLECT THE TRAINING.
23 AND THEN FIVE -- THE NEXT FOUR CORRESPOND TO WHEN THE
24 TRAINING WAS TAKEN.

25 A YES. THAT IS CORRECT.

1 Q SO WHEN YOU LOOK AT PAGE -- THE LAST FOUR PAGES ON THE
2 ONE THAT'S MARKED 22769, AT THE BOTTOM, DO YOU SEE THAT?

3 A YES, I DO.

4 Q WHERE ON THIS CHART, IF ANYWHERE, DOES IT SHOW WHEN
5 THESE TWO TRAININGS WERE TAKEN, THESE TWO EXPERT COMPLIANCE
6 AWARENESS TRAININGS?

7 A SURE. SO, ESSENTIALLY, IT'S JUST MATCHING THE ROWS.
8 SO THE FIRST EXPORT COMPLIANCE IS ONE, TWO, THREE, FOUR,
9 FIVE, SIX, SEVEN, EIGHT, NINE, TEN, IT'S TEN -- SO IT'S
10 RIGHT HERE, THE FIRST ONE, 10/16/2007. SO IT CORRESPONDS
11 TO ESSENTIALLY WHERE THE FIRST ONE EXPORT COMPLIANCE
12 AWARENESS IS ON PAGE 1217. AND THEN THE SECOND EXPORT
13 COMPLIANCE IS SEVEN FROM THE BOTTOM. SO THEN YOU JUST GO
14 TO THE NEXT PAGE, AND YOU CAN COUNT SEVEN UP RIGHT THERE,
15 SEVEN, SO YOU CAN, SORT OF, CORRESPOND THE TRAINING TIMES.

16 Q OKAY. COULD YOU MARK A HIGHLIGHTER ON 1676-A WHERE
17 THOSE TWO TRAININGS ARE, AND THEN WRITE THE CORRESPONDING
18 EXHIBIT NUMBER NEXT TO THE TRAININGS, PLEASE.

19 A THE TRAINING TIMES? YES, I CAN.

20 Q TRAINING TIMES, YES.

21 A OKAY.

22 Q NOW, LOOKING AT THE FIRST PAGE OF 1676 AGAIN, DO YOU
23 SEE A TRAINING CALLED "PROTECTING PROPRIETARY INFORMATION"?
24 DO YOU SEE THAT?

25 A YES. IT'S ABOUT EIGHT FROM THE BOTTOM. IT'S EIGHT

1 FROM THE BOTTOM.

2 Q OKAY. COULD YOU LOOK THROUGH THE EXHIBITS THAT WERE
3 MARKED 1670 TO 1674, AND DETERMINE IF ANY OF THOSE TRAINING
4 MATERIALS ARE INCLUDED IN THE GOVERNMENT'S EXHIBITS?

5 A YES. PROTECTING PROPRIETARY INFORMATION IS EXHIBIT
6 1672.

7 Q COULD YOU WRITE ON THE DOCUMENT 1676-A AND ON 1672?

8 A YES.

9 Q SO LOOKING AT THAT, HOW DO YOU KNOW THAT THE
10 GOVERNMENT'S EXHIBIT 1672 IS THE ACTUAL CONTENT OF THE
11 TRAINING THAT WAS OFFERED THAT YI-CHI SHIH TOOK THAT'S
12 REFLECTED ON THIS CHART ON 1676?

13 A IT'S LINKED TO, SORT OF, THE NUMBER ON THE PAGE OF
14 1672. IT SAYS WEB-BASED TRAINING MODULE 2963. WHEN I WENT
15 INTO THE ACTUAL TRAINING RECORDS AND SAW THAT IT WAS
16 PROTECTING PROPRIETARY INFORMATION, I WAS ABLE TO SEE IT
17 WAS THE SAME TRAINING NUMBER.

18 Q AND I THINK YOU SAID IT, BUT THIS APPEARS TO HAVE BEEN
19 WEB-BASED TRAINING BASED ON THE TITLE?

20 A YEAH. BASED ON THE TITLE OF THE COURSE, YES.

21 Q BUT WERE YOU ALSO ABLE TO TELL THAT IN THIS OTHER
22 WAYS?

23 A YES. I WAS ABLE TO GO IN AND LOOK AT THE SCORE FOR
24 THE TRAINING AND TEST RESULTS AND SAW THAT IT WAS
25 WEB-BASED.

1 Q AND WHAT SCORE ARE YOU TALKING ABOUT?

2 A AT THE END OF THE TRAINING, THERE LISTS OUT TEN
3 QUESTIONS. AND I SAW THAT THE SCORE FOR THE TRAINING WAS
4 100 PERCENT. SO THE INDIVIDUAL HAD TAKEN THE TEST AT THE
5 END, AND WE CAPTURED THE SCORE IN OUR LEARNING SYSTEM.

6 Q WHEN YOU SAY "THE INDIVIDUAL," YOU MEAN --

7 A YI-CHI SHIH.

8 Q OKAY. SO WHEN YI-CHI SHIH WENT IN AND TOOK THESE
9 TRAININGS, HE HAD TO INPUT HIS PERSONAL IDENTIFICATION
10 NUMBER ISSUED BY HONEYWELL?

11 A YES, TO LOG INTO THE SYSTEM, HE WOULD HAVE ENTERED HIS
12 EMPLOYEE IDENTIFICATION, NUMBER AS WELL AS A PASSWORD TO
13 GET INTO THE SYSTEM. AND AFTER HE TOOK THE TEST, THE
14 SYSTEM STORED THE RESULTS.

15 Q AND THAT'S TRUE WITH ALL THE WEB-BASED TRAININGS WE'RE
16 GOING TO BE TALKING ABOUT TODAY?

17 A YES, THAT IS CORRECT.

18 Q NOW, ARE YOU ABLE TO TELL IF THE QUIZ AT THE END OF
19 THIS TRAINING REFLECTS THE ACTUAL QUIZ THAT HE TOOK? OR IS
20 THIS GENERALLY WHAT THE QUIZ OFFERED AT THAT TIME?

21 A THE QUIZ QUESTIONS AT THE END REFLECT WHAT THE QUIZ
22 WAS AND HIGHLIGHTS WHAT THE CORRECT ANSWER IS. I WAS ABLE
23 TO LOOK IN THE SYSTEM AND SEE THAT YI-CHI SHIH GOT 100
24 PERCENT ON THE TEST, SO HE WOULD HAVE THE SAME ANSWERS.

25 Q SO NOW COULD YOU TELL US WHERE WE WOULD FIND IN

1 EXHIBIT 1676 INFORMATION ABOUT WHEN YI-CHI SHIH COMPLETED
2 THIS TRAINING?

3 A SURE. SO ON THE FIRST PAGE, 1217, PROTECTING
4 PROPRIETARY INFORMATION IS EIGHT FROM THE BOTTOM. SO I
5 WOULD GO TO THE CORRESPONDING PAGE 1221 THAT LISTS OUT THE
6 TIMES AND JUST COUNT EIGHT FROM THE BOTTOM. AND I WOULD
7 SEE THAT IT'S 10/16/2017, IS THE TIME. SO IT'S THIS ONE
8 RIGHT HERE.

9 Q COULD YOU HIGHLIGHT THAT ON 1676-B AND PUT THE
10 CORRESPONDING EXHIBIT NUMBER NEXT TO IT.

11 A YES, I CAN DO THAT.

12 Q THANK YOU. SO IF I COULD ASK YOU TO TURN NOW TO THE
13 SECOND PAGE OF 1676, THE TRAINING LOG, IT SAYS 22766 AT THE
14 BOTTOM.

15 DO YOU SEE THAT?

16 A YES, I DO.

17 Q AND WHEN YOU LOOK BACK AT THE GOVERNMENT'S EXHIBITS
18 1660 TO 1664 THAT I PREVIOUSLY ASKED YOU TO LOOK AT, ARE
19 ANY OF THESE THE DOCUMENTS THAT CORRESPOND TO THAT TRAINING
20 THAT YI-CHI SHIH APPEARS TO HAVE TAKEN CALLED EXPORT
21 CLASSIFICATIONS AND EAA SECTION 17(C) IMPACT, WHICH IS NEAR
22 THE BOTTOM OF THE CHART?

23 A I SEE IT'S SIX FROM THE BOTTOM, THE EXPORT
24 CLASSIFICATION. I SEE THAT'S EXHIBIT 1673, EXPORT
25 CLASSIFICATION AND EAA SECTION 17(C) IMPACT.

1 Q COULD YOU HIGHLIGHT THAT, PLEASE, AND PLACE THE
2 CORRESPONDING EXHIBIT NUMBER NEXT TO IT ON GOVERNMENT
3 EXHIBIT 1676-A?

4 A YEAH. THAT ONE CALLED OUT, YES. IT'S THAT ONE.

5 Q DID YOU MARK ON 1676?

6 A YES, I DID.

7 Q SO WHEN YOU LOOK AT 1673, HOW DO YOU KNOW THAT YI-CHI
8 SHIH TOOK THIS TRAINING?

9 A WE HAVE IT IN OUR -- THIS TRAINING LOG HERE. AND I
10 WAS ABLE TO MATCH THE COURSE NUMBER, THE 360222 -- THE 022.
11 EXCUSE ME. AND THEN WHEN I WENT INTO YI-CHI SHIH'S ACTUAL
12 TRAINING RECORD, THAT WAS THE COURSE ASSIGNED TO THE EXPORT
13 CLASSIFICATION, SO I WAS ABLE TO MATCH THEM.

14 Q COULD YOU TELL US WHERE WE WOULD LOOK IF WE WANTED TO
15 KNOW WHEN IT WAS THAT HE TOOK THAT TRAINING, TURNING BACK
16 TO EXHIBIT 1676?

17 A SURE. SO IT WOULD BE ON THE SECOND PAGE OF THE DATES,
18 WHICH IS 2270. AND, AGAIN, THIS EXPORT CLASSIFICATION WAS
19 SIXTH FROM THE BOTTOM. SO I JUST COUNT UP SIX FROM THE
20 BOTTOM, ONE, TWO, THREE, FOUR, FIVE, SIX. SO IT'S -- WAIT
21 A SECOND. SORRY. THIS IS THE WRONG -- I NEED PAGE 22770.
22 SORRY. I DON'T SEE IT ON MY SCREEN. YEAH. SORRY. IT'S
23 PAGE 6 FROM THE BOTTOM. ONE, TWO, THREE, FOUR, FIVE, SIX.

24 Q I'M SORRY. I KNOW YOU SAID THIS, BUT ARE YOU LOOKING
25 AT THE ONE THAT SAYS 22770 AT THE BOTTOM?

1 A YES, I AM. THAT'S SIXTH FROM THE BOTTOM TO CORRESPOND
2 TO PAGE 22766.

3 Q AND DID YOU HIGHLIGHT THAT AND PUT THE EXHIBIT NUMBER
4 NEXT TO IT?

5 A YES. I PUT 1673 NEXT TO IT.

6 Q NOW, I NOTE THAT WHAT YOU JUST HIGHLIGHTED SAYS
7 3/7/2009. BUT IF YOU LOOK BACK AT 1673, IT HAS A DATE ON
8 IT THAT SAYS 5 FEBRUARY 2009.

9 CAN YOU EXPLAIN THAT?

10 A SURE. THE 5 FEBRUARY 2009 IN EXHIBIT 1673 REPRESENTS
11 WHEN THE COURSE OWNER CREATED THIS CONTENT OR UPLOADED THE
12 CONTENT. THE 3/7/2009 REPRESENTS WHEN YI-CHI SHIH TOOK THE
13 TRAINING.

14 Q NOW, IF YOU COULD TURN BACK TO PAGE 2 OF 1676, WHICH
15 SAYS 22766 AT THE BOTTOM --

16 A YES.

17 Q -- DO YOU SEE A TRAINING NEAR THE BOTTOM CALLED
18 "FOREIGN PERSON VISITOR REQUEST PROCESS"?

19 A YES, I DO. IT'S RIGHT HERE.

20 Q WHEN YOU LOOK THROUGH THE EXHIBITS 1670 THROUGH 1674,
21 CAN YOU FIND THAT TRAINING AMONG THESE EXHIBITS?

22 A SURE. ONE SECOND.

23 IT'S EXHIBIT 1671, WHICH JUST SAYS "EXPERT
24 COMPLIANCE REVIEW FOR AEROSPACE EMPLOYEES, FOREIGN PERSON
25 FACILITY ACCESS."

1 Q SO COULD YOU HIGHLIGHT THAT ON 1676-A AND NOTE NEXT TO
2 IT THE EXHIBIT NUMBER?

3 A YES, I DID THAT.

4 Q SO HOW DO YOU KNOW THAT THIS IS THE SAME TRAINING IN
5 1671 THAT IS REFLECTED ON PAGE 2 OF 1676?

6 A I WENT INTO THE SPECIFIC TRAINING RECORDS AND MATCHED.
7 ON EXHIBIT 1671, IT SAYS AN LMS COURSE NUMBER 00036502. I
8 WENT INTO OUR LEARNING SYSTEM AND MATCHED THIS SPECIFIC
9 TRAINING RECORD.

10 Q COULD YOU HELP US UNDERSTAND, THEN, WHEN IT WAS THAT
11 YI-CHI SHIH COMPLETED THIS TRAINING?

12 A SURE. SO IT'S ON 1676, THE PAGE 22,770, IT'S THE ONE
13 ON THE SCREEN. IT WOULD CORRESPOND TO THE FIFTH FROM THE
14 BOTTOM, SO RIGHT HERE. SO IT ALIGNS WITH THE FOREIGN
15 PERSON REQUEST PROCESS ON 22,766, WHICH IS THE SIXTH FROM
16 THE BOTTOM. WE THEN GO TO 22,770, IT'S THE FIFTH FROM THE
17 BOTTOM, SO IT'S MARCH 9, 2009.

18 Q COULD YOU HIGHLIGHT THAT, PLEASE, AND PUT THE EXHIBIT
19 NUMBER NEXT TO IT ON 1676-A.

20 A YES, ONE SECOND. YES, I DID THAT.

21 Q SO THIS EXAMPLE, IF YOU TURN BACK TO 1671, THIS IS
22 ANOTHER EXAMPLE OF A TRAINING THAT HAS A QUIZ AT THE END OR
23 SOME TEST QUESTIONS.

24 DO YOU SEE THAT, STARTING ON PAGE 22,042?

25 A YES.

1 Q AND DID YOU HAVE ANY INFORMATION ABOUT WHETHER OR NOT
2 YI-CHI SHIH COMPLETED THE TESTING THAT CORRESPONDS TO THIS
3 TRAINING?

4 A I BELIEVE THIS COURSE WAS INSTRUCTOR LED, SO WE DID IT
5 IN A CLASSROOM, WHICH MEANS WE DID NOT CAPTURE ANY SCORES
6 FOR THIS TEST TO COMPLETE THE TRAINING.

7 Q SO THIS IS ONE OF THE EXAMPLES OF AN INSTRUCTOR-LED
8 COURSE, NOT A COMPUTER?

9 A YES. IT WAS INSTRUCTOR-LED TRAINING, SO WE KNOW THAT
10 HE TOOK THE COURSE, BUT WE DO NOT HAVE A SCORE FOR THE
11 TEST.

12 Q AND YOU KNOW THAT BECAUSE OF THE SIGN-IN SHEET THAT
13 WOULD HAVE BEEN SUBMITTED BY THE INSTRUCTOR?

14 A YES. AND THAT'S HOW WE CODED IT IN OUR LEARNING
15 SYSTEM, AS INSTRUCTOR-LED TRAINING.

16 Q OKAY. AND NOW IF YOU COULD TURN TO PAGE 3 OF 1676.

17 A OKAY 22767.

18 Q YES. DO YOU SEE IN THE MIDDLE OF THE PAGE, THERE'S A
19 TRAINING CALLED "EXPORT COMPLIANCE FOR ENGINEERING AND
20 TECHNOLOGY"?

21 A YES, I DO.

22 Q LOOKING THROUGH THE EXHIBITS THAT YOU'VE BEEN LOOKING
23 AT, DO ANY OF THESE REFLECT THAT TRAINING?

24 A EXHIBIT 1674, EXPORT COMPLIANCE FOR AEROSPACE
25 ENGINEERING AND TECHNOLOGY, IS THE SAME TRAINING.

1 Q AND HOW DO YOU KNOW THAT?

2 A THERE'S A COURSE CODE. THE 36923 WOULD HAVE GONE INTO
3 LOOK AT -- BASED ON THE TRAINING RECORD AND VALIDATED THE
4 TRAINING RECORD THAT IT'S THE SAME COURSE.

5 Q THAT'S WHAT YOU DID?

6 A YES.

7 Q AND CAN YOU TELL FROM LOOKING AT THIS IF THIS WAS A
8 WEB-BASED TRAINING OR A INSTRUCTOR LED TRAINING?

9 A WHEN I LOOKED AT YI-CHI SHIH'S TRAINING RECORD, IT
10 LOOKED LIKE IT WAS A WEB-BASED TRAINING.

11 Q AND COULD YOU TELL ON THIS ONE, DID THE SYSTEM GIVE
12 YOU INFORMATION ABOUT WHETHER OR NOT HE COMPLETED THE QUIZ
13 QUESTIONS THAT ARE AT THE END OF THE TRAINING IN 1674,
14 STARTING ON PAGE 22760?

15 A I DID NOT LOOK TO SEE WHAT HIS QUIZ RESULTS WERE ON
16 THIS ONE. I JUST SAW THAT HE COMPLETED THE COURSE. I
17 DON'T KNOW THE RESULTS.

18 Q AND COULD YOU HELP US SEE FROM -- IN EXHIBIT 1676, HOW
19 DO WE KNOW WHEN IT WAS HE TOOK THIS TRAINING?

20 A SURE. SO 22767 SHOWS THE EXPORT COMPLIANCE TRAINING
21 ABOUT HALF WAY. SO IT'S KIND OF -- IT'S 18 FROM THE
22 BOTTOM. AND THEN IF YOU THEN GO TO PAGE 22771, WHICH LISTS
23 ALL THE DATES, AND COUNT UP 18 FROM THE BOTTOM, IT MATCHES
24 THE -- MAKE SURE I COUNTED RIGHT. IT MATCHES THE DATE THAT
25 SAYS 7/2/2010.

1 Q SO THAT'S THE DATE THAT HE COMPLETED THAT TRAINING?

2 A YES.

3 Q WOULD YOU HIGHLIGHT THAT, PLEASE, AND THEN PUT THE
4 EXHIBIT NUMBER NEXT TO IT ON EXHIBIT 1676-A?

5 A YES. IT'S EXHIBIT 1674. I'LL MARK IT NEXT TO THE
6 DATE.

7 Q DID YOU HIGHLIGHT AND MARK THE TRAINING AND THE
8 EXHIBIT DATES FOR EACH OF THE EXHIBITS THAT YOU WERE ABLE
9 TO IDENTIFY THAT MATCHED THE TRAINING IN 1676 TO THE
10 GOVERNMENT'S EXHIBITS 1670 TO 1675?

11 A YES, I MATCHED THE FIVE TRAININGS IN 1676. I
12 HIGHLIGHTED THEM AND WROTE THE COURSE NUMBER NEXT TO THEM
13 IN 1676.

14 Q THAT'S 1676-A?

15 A 1676-A, YES.

16 MS. SARTORIS: YOUR HONOR, I WOULD MOVE
17 1676-A INTO EVIDENCE.

18 MR. HANUSZ: NO OBJECTION, YOUR HONOR.

19 THE COURT: ALL RIGHT. 1676-A-IS ADMITTED.

20 (EXHIBIT 1676-A WAS ADMITTED.)

21 MS. SARTORIS: THANK YOU, YOUR HONOR. I HAVE NO
22 MORE QUESTIONS.

23 THE COURT: CROSS-EXAMINATION, MR. HANUSZ?

24 MR. HANUSZ: NO QUESTIONS FOR MR. PASCOE.

25 THE COURT: MR. PASCOE, THANK YOU FOR YOUR

1 TESTIMONY. YOU ARE EXCUSED.

2 CALL THE NEXT WITNESS, PLEASE.

3 MS. SARTORIS: YES, YOUR HONOR. GOVERNMENT CALLS
4 SPECIAL AGENT MAUREEN MILLER.

5 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

6 (WITNESS SWORN.)

7 THE CLERK: PLEASE HAVE A SEAT. PLEASE STATE
8 YOUR FULL NAME AND SPELL IT FOR THE RECORD.

9 THE WITNESS: MY NAME IS MAUREEN, M-A-U-R-E-E-N,
10 MILLER, M-I-L-L-E-R.

11 THE COURT: GOOD AFTERNOON, MS. MILLER.

12 THE WITNESS: GOOD AFTERNOON.

13 THE COURT: PLEASE PROCEED, MS. SARTORIS.

14 MS. SARTORIS: THANK YOU, YOUR HONOR.

15 MAUREEN MILLER,

16 HAVING BEEN FIRST DULY SWORN,

17 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

18 DIRECT EXAMINATION

19 BY MS. SARTORIS:

20 Q SPECIAL AGENT MILLER, WHAT IS IT YOU DO?

21 A I AM A SPECIAL AGENT FOR THE FEDERAL BUREAU OF
22 INVESTIGATION OUT OF THE LOS ANGELES OFFICE.

23 Q HOW LONG HAVE YOU DONE THAT?

24 A IT WILL BE THREE YEARS THIS AUGUST.

25 Q AS A SPECIAL AGENT, DID YOU RECEIVE ANY TRAINING?

1 A I DID. I RECEIVED TRAINING BOTH IN THE CLASSROOM AND
2 IN THE FIELD IN ORDER TO LEARN HOW TO INVESTIGATE A VARIETY
3 OF VIOLATIONS OF FEDERAL LAW.

4 Q ARE YOU FAMILIAR WITH THE LOCATION 3040 BECKMAN ROAD,
5 LOS ANGELES, CALIFORNIA?

6 A YES.

7 Q AND HOW ARE YOU FAMILIAR WITH THAT?

8 A IT WAS A LOCATION THAT WE SERVED A SEARCH WARRANT AT.

9 Q DRAWING YOUR ATTENTION TO AN EXHIBIT BINDER THAT SAYS
10 9(B) ON IT, EXHIBITS NEXT TO YOU, YOU'LL SEE EXHIBIT 788.

11 DO YOU SEE THAT?

12 A YES.

13 Q WHAT IS THAT?

14 A THIS IS A AERIAL PHOTOGRAPH OF THE RESIDENCE AT 3040
15 BECKMAN ROAD.

16 Q AND HOW DO YOU KNOW THAT?

17 A THIS IS A PHOTOGRAPH THAT I OBTAINED THROUGH AN
18 INTERNET SEARCH, AND I RECOGNIZE IT AS THE LOCATION THAT WE
19 WERE PHYSICALLY AT DURING OUR SEARCH WARRANT.

20 Q WHEN WAS THAT SEARCH WARRANT?

21 A JANUARY 19 OF 2018.

22 MS. SARTORIS: YOUR HONOR, I WOULD LIKE TO MOVE
23 EXHIBIT 788 INTO EVIDENCE.

24 THE COURT: ANY OBJECTION?

25 MR. SPERTUS: NO, YOUR HONOR.

1 THE COURT: 788 IS ADMITTED.

2 (EXHIBIT 788 WAS ADMITTED.)

3 Q BY MS. SARTORIS: SO, SPECIAL AGENT MILLER, COULD YOU
4 PROVIDE MORE INFORMATION ABOUT WHY YOU WERE THERE IN
5 JANUARY OF 2018?

6 A WE WERE THERE TO EXECUTE A SEARCH WARRANT TO LOOK FOR
7 EVIDENCE THAT THE DEFENDANT HAD COMMITTED A VARIETY OF
8 CRIMES, INCLUDING UNLAWFUL EXPORT ACTIVITIES, MAIL FRAUD,
9 WIRE FRAUD, MONEY LAUNDERING, THEFT OF TRADE SECRETS, AND
10 TRANSPORTATION OF STOLEN GOODS.

11 Q SO YOU WERE EXECUTING A SEARCH WARRANT?

12 A YES.

13 Q AND LOOKING FOR SPECIFIC TYPES OF EVIDENCE?

14 A CORRECT.

15 Q AND WHEN YOU SAY "WE," WHO IS "WE"?

16 A IT WAS A MULTIAGENCY SEARCH WARRANT. SO THE FBI WAS
17 INVOLVED, THE IRS WAS INVOLVED, THE DEPARTMENT OF COMMERCE.

18 Q DO YOU HAVE AN IDEA OF APPROXIMATELY HOW MANY AGENTS
19 WERE THERE AT THE SEARCH WARRANT THAT DAY?

20 A WE HAD OVER 40 INDIVIDUALS AT THE LOCATION THAT DAY.

21 Q AND YOU WERE THERE?

22 A YES, CORRECT.

23 Q SO WHAT WERE YOU DOING THERE?

24 A MY ROLE WAS TEAM LEADER FOR THE EXECUTION OF THE
25 SEARCH WARRANT, AND I WAS ALSO THE SEIZING AGENT.

1 Q WHAT DOES THAT MEAN?

2 A SO AS TEAM LEADER, I WAS RESPONSIBLE FOR THE OVERALL
3 EXECUTION OF THE SEARCH WARRANT AND PROVIDING DIRECTION TO
4 THE TEAM MEMBERS. AND AS SEIZING AGENT, THAT MEANT AT THE
5 CONCLUSION OF THE SEARCH, I WOULD BE RESPONSIBLE FOR TAKING
6 OWNERSHIP OR POSSESSION OF THE ITEMS THAT WE COLLECTED.

7 Q ARE YOU FAMILIAR WITH YI-CHI SHIH?

8 A YES.

9 Q HOW ARE YOU FAMILIAR WITH HIM?

10 A I BECAME FAMILIAR WITH HIM THROUGH INVESTIGATIVE
11 ACTIVITIES RELATED TO THIS CASE AND BY MEETING HIM IN
12 PERSON AT THE RESIDENCE DURING THE EXECUTION OF THE SEARCH
13 WARRANT.

14 Q AND DO YOU SEE HIM HERE TODAY?

15 A YES.

16 Q COULD YOU DESCRIBE WHERE HE IS SITTING AND WHAT HE'S
17 WEARING?

18 A HE IS SITTING ON MY RIGHT-HAND SIDE, THE FIRST CHAIR,
19 WEARING A GRAY JACKET AND BLUE TIE.

20 MS. SARTORIS: YOUR HONOR, I'D LIKE THE RECORD TO
21 REFLECT SHE'S REFERRING TO THE DEFENDANT.

22 MR. SPERTUS: NO OBJECTION.

23 THE COURT: THE RECORD WILL SO REFLECT.

24 Q BY MS. SARTORIS: WERE THERE OTHER PEOPLE THERE ON THE
25 DAY OF THE SEARCH WARRANT?

1 A YES.

2 Q WHO WAS THAT?

3 A THE DEFENDANT'S WIFE WAS THERE, HIS DAUGHTER, AND THE
4 DAUGHTER'S BOYFRIEND WERE ALSO THERE.

5 Q COULD YOU DESCRIBE HOW THE SEARCH WAS EXECUTED
6 GENERALLY?

7 A SO AT APPROXIMATELY 6:00 A.M. THAT MORNING, WE KNOCKED
8 ON THE FRONT DOOR OF THE RESIDENCE. WE ANNOUNCED OUR
9 PRESENCE AS FBI AND OUR INTENT TO EXECUTE A SEARCH WARRANT
10 AT THE RESIDENCE. ONCE THE OCCUPANTS HAD EXITED THE
11 RESIDENCE, WE ENTERED AND CLEARED THE RESIDENCE, WHICH
12 MEANS THAT WE JUST ENSURED IT WAS SAFE FOR OTHER PERSONNEL
13 TO ENTER.

14 WE THEN CONDUCTED A WALK-THROUGH OF THE RESIDENCE
15 TO BECOME FAMILIAR WITH THE GENERAL LAYOUT OF THE HOUSE.
16 WE THEN BEGAN TAKING PHOTOGRAPHS AND ASSIGNING ROOM LETTERS
17 SO THE LETTERS ARE -- JUST SO THAT WE HAVE AN EASIER TIME
18 IDENTIFYING ROOMS AS WE ARE COLLECTING EVIDENCE. AS I
19 MENTIONED, WE BEGAN TAKING PHOTOGRAPHS. WE ALWAYS DO THAT
20 TO MAKE SURE THE RESIDENCE IS DOCUMENTED HOW WE FOUND IT.
21 AND THEN WE BEGAN ASSIGNING SEARCH TEAMS TO LOOK INTO
22 INDIVIDUAL ROOMS.

23 Q DID YOU, YOURSELF, GO INTO EACH OF THE ROOMS?

24 A YES, I DID.

25 Q AND DID YOU OBSERVE THE PHOTOGRAPHS BEING TAKEN AND

1 THE INDIVIDUALS SEARCHING?

2 A YES.

3 Q NOW, WHO IS GINGER?

4 A GINGER IS A DOG, ACTUALLY, THAT IS TRAINED TO DETECT
5 ELECTRONIC ITEMS OR DEVICES. AND SHE WAS PRESENT WITH US
6 DURING THE SEARCH WARRANT.

7 Q SO IN ADDITION TO THE 40 -- ROUGHLY 40 PERSONS
8 EXECUTING A SEARCH WARRANT, GINGER ALSO ASSISTED IN THE
9 SEARCH WARRANT EXECUTION?

10 A THAT'S CORRECT.

11 Q WERE ITEMS SEIZED DURING THE SEARCH?

12 A YES, THEY WERE.

13 Q AND IF I COULD ASK YOU TO LOOK AT GOVERNMENT'S EXHIBIT
14 655 TO 787, THEY WOULD BE IN BINDER NUMBERS 8 AND 9.

15 A OKAY.

16 Q ARE YOU FAMILIAR WITH THESE EXHIBITS?

17 A YES, I AM.

18 Q WERE THE DOCUMENTS THAT YOU'VE -- THAT ARE MARKED AS
19 EXHIBITS, WERE THEY SEIZED FROM DEFENDANT'S RESIDENCE
20 DURING THE SEARCH THAT YOU JUST DESCRIBED?

21 A YES, THEY WERE.

22 Q DID THE FBI BOOK THEM INTO EVIDENCE AND MAINTAIN
23 CONTROL OF THE ORIGINAL OF THESE ITEMS? THESE ARE
24 OBVIOUSLY COPIES. BUT DID THE FBI BOOK THE ORIGINALS INTO
25 EVIDENCE AND MAINTAIN CONTROL OF THEM FROM THE DATE THEY

1 WERE SEIZED UNTIL THIS TRIAL?

2 A YES.

3 Q IN ADDITION TO THESE DOCUMENTS, DID THE FBI SEIZE
4 DIGITAL DEVICES?

5 A WE DID.

6 Q WHAT IS A DIGITAL DEVICE?

7 A A DIGITAL DEVICE IS ANY ITEM THAT CAN STORE DATA. SO
8 AN EXAMPLE WOULD BE A PHONE OR A COMPUTER THAT YOU USE.

9 Q WOULD THAT INCLUDE THUMB DRIVES?

10 A YES, IT WOULD INCLUDE THUMB DRIVES, HARD DRIVES, BOTH
11 INTERNAL AND EXTERNAL HARD DRIVES.

12 Q AND AFTER REMOVING THE ADDITIONAL DEVICES FROM
13 DEFENDANT'S RESIDENCE, DID THE FBI TRANSPORT THEM TO THE
14 REGIONAL COMPUTER FORENSIC LABORATORY IN ORANGE COUNTY?

15 A YES, WE DID.

16 Q WERE THEY GIVEN A SECOND IDENTIFYING NUMBER SPECIFIC
17 TO THAT LAB?

18 A YES.

19 Q AND WAS THE PURPOSE SO THAT THE LAB COULD EXTRACT
20 INFORMATION FROM THE DEVICES IN ORDER FOR FEDERAL AGENTS TO
21 REVIEW THEM FOR EVIDENCE IN THE CASE?

22 A YES.

23 Q ARE YOU FAMILIAR WITH DETECTIVE JOSEPH JOON
24 (PHONETIC)?

25 A YES, I AM.

1 Q ARE YOU AWARE THAT HE TESTIFIED EARLIER IN THIS TRIAL
2 LAST THURSDAY AFTERNOON, MAY 16?

3 MR. HANUSZ: YOUR HONOR, OBJECTION TO LEADING THE
4 WITNESS THROUGH THE TESTIMONY.

5 THE COURT: SUSTAINED.

6 Q BY MS. SARTORIS: ARE YOU AWARE THAT HE TESTIFIED IN
7 THIS TRIAL?

8 A YES, I AM AWARE.

9 Q I'D LIKE TO BRING YOUR ATTENTION TO WHAT'S BEEN
10 ADMITTED INTO EVIDENCE AS EXHIBIT 645. I BELIEVE IT'S IN
11 VOLUME 6 -- I MEAN, 7. I APOLOGIZE. 1647 I MEANT TO
12 DIRECT YOU TO.

13 A OKAY.

14 Q DO YOU RECOGNIZE THIS DOCUMENT?

15 A YES, I DO.

16 MR. HANUSZ: YOUR HONOR, IT'S NOT IN THE EXHIBIT
17 BOOK. I DO NOT HAVE IT.

18 THE COURT: I'M SORRY. I CAN'T HEAR YOU.

19 MR. HANUSZ: I DO NOT HAVE THE EXHIBIT. IT'S NOT
20 IN THE EXHIBIT BOOK.

21 THE COURT: IT'S IN VOLUME 19, I BELIEVE. DO YOU
22 HAVE VOLUME 19?

23 MR. HANUSZ: I DO, WHICH ENDS AT 1644.

24 MS. SARTORIS: YOUR HONOR, THIS PARTICULAR
25 EXHIBIT WAS ADMITTED INTO EVIDENCE ON THURSDAY. IT MAY

1 HAVE BEEN PROVIDED SEPARATELY FROM THE EXHIBIT BOOK TO
2 DEFENSE COUNSEL.

3 MR. HANUSZ: YOUR HONOR, MAY I HAVE THE
4 GOVERNMENT'S COPY? DO YOU HAVE A COPY?

5 MS. SARTORIS: LET'S SEE IF I HAVE ONE.

6 I'M HANDING A COPY TO DEFENSE COUNSEL.

7 THE COURT: THANK YOU.

8 Q BY MS. SARTORIS: DO YOU SEE THE BOLD HEADING
9 DESCRIBING DIGITAL DEVICES ON THIS EXHIBIT 1645?

10 A YES, I DO.

11 Q WERE ALL OF THE DEVICES LISTED IN THE BOLD HEADINGS
12 INCLUDED IN 1645 SEIZED FROM DEFENDANT'S RESIDENCE?

13 A YES, THEY WERE.

14 Q SPECIFICALLY, WAS THE 03-A TOSHIBA LAPTOP ORCO-028239
15 SEIZED FROM DEFENDANT'S RESIDENCE?

16 A YES.

17 Q WHAT ABOUT 03-A1 FREE AGENT ORCO-28240?

18 A YES.

19 Q AND THE 03-A2 KINGSTON THUMB DRIVE ORCO-28241.

20 A YES.

21 Q AND 03-A3 GENERIC THUMB DRIVE ORCO-28242?

22 A YES.

23 Q AND THE 03-A6 SONY PCVRX 600 ORCO-28246?

24 A YES.

25 Q AND THE 03-A7 DELL INSPIRON TOWER ORCO-28247?

1 A YEC.

2 Q AND THE 03-A8 COMPACT TOWER ORCO-28248?

3 A YES.

4 Q AND THE 03-A10 ASUS ULTRA TOWER ORCO-28250?

5 A YES.

6 Q WHAT ABOUT THE 03-A11 IOMEGA HARD DRIVE ORCO-28251?

7 A YES.

8 Q DID FBI SPECIAL AGENTS REVIEW THE INFORMATION
9 CONTAINED ON THESE DEVICES AND IDENTIFY CERTAIN FILES TO BE
10 EVIDENCE IN THIS CASE?

11 A WE DID.

12 Q ARE THESE REFLECTED BY EXHIBIT NUMBER FILE AND PATH
13 NAME ON EXHIBIT 1645?

14 A THEY ARE.

15 Q NOW, COULD I ASK YOU TO LOOK AT GOVERNMENT'S EXHIBIT
16 789, WHICH IS IN 9(B).

17 A OKAY.

18 Q AND IF YOU TURN TO THE FIRST PAGE OF THIS EXHIBIT --
19 ACTUALLY, LOOKING AT THIS EXHIBIT, DO YOU RECOGNIZE WHAT
20 THIS EXHIBIT CONSISTS OF?

21 A YES, I DO.

22 Q AND WHAT IS IT?

23 A THIS EXHIBIT CONTAINS A SERIES OF PHOTOGRAPHS WE TOOK
24 DURING THE EXECUTION OF THE SEARCH WARRANT.

25 MS. SARTORIS: YOUR HONOR, I WOULD ASK PERMISSION

1 TO MOVE EXHIBIT 789 INTO EVIDENCE.

2 THE COURT: ANY OBJECTION?

3 MR. SPERTUS: NO, YOUR HONOR.

4 THE COURT: EXHIBIT 789 IS ADMITTED.

5 (EXHIBIT 789 IS ADMITTED.)

6 Q BY MS. SARTORIS: JUST REAL BRIEFLY, COULD YOU LOOK AT
7 PAGES 1 THROUGH 4. AND STARTING AT PAGE 1, JUST REALLY
8 BRIEFLY, WHAT IS THIS?

9 A THIS IS A PHOTO OF THE EXTERIOR PART OF THE DRIVEWAY
10 BEFORE -- LEADING UP TO THE RESIDENCE.

11 Q AND LOOKING AT PAGE 2, WHAT IS THAT?

12 A THIS IS AN EXTERIOR PHOTO OF THE RESIDENCE.

13 Q AND IS IT FAIR TO SAY THAT PAGES 3 THROUGH 6 REPRESENT
14 OTHER ROOMS -- SORRY -- 3 THROUGH 7 REPRESENT OTHER ROOMS
15 ON THE FIRST FLOOR OF THE RESIDENCE?

16 A YES.

17 Q OKAY. SO COULD I ASK YOU TO TURN TO PAGE 8.

18 A OKAY.

19 Q CAN YOU DESCRIBE WHAT THIS IS?

20 A THIS IS A PHOTOGRAPH TAKEN OF A ROOM ON THE FIRST
21 FLOOR OF THE RESIDENCE.

22 Q WHAT IS THAT "F"?

23 A THE "F" IS ONE OF THE ROOM LABELS THAT I DESCRIBED
24 EARLIER. IT WAS THE ROOM LETTER THAT WAS ASSIGNED TO THIS
25 PARTICULAR ROOM ON THE FIRST FLOOR.

1 Q AND IF YOU LOOK AT PAGE 9 OF THIS EXHIBIT, WHAT IS
2 THIS?

3 A THIS IS AN OVERALL PHOTOGRAPH OF ROOM "F."

4 Q AND PAGE 10, COULD YOU LOOK AT THAT?

5 A PAGE 10 --

6 Q JUST A MOMENT, YOUR HONOR.

7 THE COURT: ONE MOMENT.

8 (OFF-THE-RECORD DISCUSSION.)

9 THE COURT: PLEASE PROCEED.

10 MS. SARTORIS: THANK YOU, YOUR HONOR.

11 Q BY MS. SARTORIS: IF YOU LOOK AT PAGE 10 --

12 A OKAY.

13 Q -- IS THERE ANY SIGNIFICANCE TO THE GREY FILE CABINET
14 NEXT TO THE DESK?

15 A YES. THIS IS A LOCATION THAT WE SEIZED EVIDENCE FROM.

16 Q WE'RE ON EXHIBIT 789. IF YOU LOOK AT THE NEXT PAGE

17 11 --

18 A OKAY.

19 Q -- WHAT IS THIS?

20 A A CLOSE-UP PHOTO OF THE ITEMS THAT WE WERE GOING TO
21 SEIZE OUT OF THIS -- THE GREY FILING CABINET IN THIS ROOM.

22 Q COULD YOU JUST BRIEFLY DESCRIBE THE SIGNIFICANCE OF
23 L-24 THAT WE SEE ON THIS?

24 A SURE. THE L-24 IS THE ITEM NUMBER THAT WE ASSIGNED TO
25 THIS PARTICULAR PIECE OF EVIDENCE WHEN WE COLLECTED IT. SO

1 WHEN WE -- WHEN AGENTS IDENTIFY A PIECE OF EVIDENCE, IT
2 GETS ASSIGNED AN ITEM NUMBER BASED ON THE CONDITION IT WAS
3 FOUND IN AND THE LOCATION IT WAS FOUND IN. AND THEN IT'S
4 PHOTOGRAPHED WITH THAT ITEM NUMBER SO THAT WE CAN IDENTIFY
5 IT ON OUR EVIDENCE LOGS.

6 Q SO CAN I ASK YOU TO LOOK AT WHAT'S BEEN PREVIOUSLY
7 IDENTIFIED AS GOVERNMENT'S EXHIBIT 700, AND THAT WOULD BE
8 IN BOOK 9.

9 DO YOU HAVE THAT IN FRONT OF YOU?

10 A YES.

11 Q WAS THIS DOCUMENT FOUND -- SEIZED BY THE FBI IN THE
12 FILE CABINET THAT WE WERE JUST DISCUSSING WITH REFERENCE TO
13 EXHIBIT 789?

14 A YES, IT WAS.

15 MS. SARTORIS: YOUR HONOR, I'D LIKE TO MOVE
16 EXHIBIT 700 INTO EVIDENCE.

17 MR. SPERTUS: NO OBJECTION, YOUR HONOR.

18 THE COURT: EXCUSE ME. 700 IS TWO PAGES; IS THAT
19 CORRECT?

20 MS. SARTORIS: THE FIRST PAGE IS THE EXHIBIT PAGE
21 WITH THE LABEL, THE YELLOW EXHIBIT TAB, AND THE SECOND PAGE
22 IS THE DOCUMENT.

23 THE COURT: AND THAT BEARS BATES ENDING IN 5328?

24 MS. SARTORIS: YES,

25 THE COURT: THANK YOU. IT'S ADMITTED.

1 (EXHIBIT 700 WAS ADMITTED.)

2 Q BY MS. SARTORIS: SPECIAL AGENT MILLER, WHAT IS THIS?

3 A THIS IS A DOCUMENT VERIFYING -- FOR EMPLOYMENT

4 VERIFICATION FOR THE DEFENDANT YI-CHI SHIH FROM CHENGDU

5 GASTONE TECHNOLOGY COMPANY.

6 Q AND --

7 A IT'S DATED JANUARY 21ST, 2013. IT STATES THAT HE HAS
8 BEEN EMPLOYED BY CHENGDU GASTONE TECHNOLOGY SINCE JULY 3 OF
9 2011, AND ANNUAL SALARY \$317,460, WHICH IS APPROXIMATELY 2
10 MILLION RENMINBI.

11 Q AND HE WAS PRESIDENT OF GASTONE?

12 A CORRECT.

13 MR. SPERTUS: YOUR HONOR, OBJECTION. FOUNDATION
14 AS TO THE LAST QUESTION AND ANSWER. I'M SORRY. I SEE IT
15 NOW. I APOLOGIZE. I WITHDRAW THE OBJECTION.

16 THE COURT: THANK YOU.

17 Q BY MS. SARTORIS: COULD I ASK YOU TO LOOK AT
18 EXHIBIT 790, WHICH IS IN BOOK 9(B)?

19 A OKAY.

20 Q DO YOU RECOGNIZE THIS?

21 A YES, I DO. THIS IS A SERIES OF PHOTOGRAPHS TAKEN ON
22 THE SECOND FLOOR OF THE RESIDENCE IN ANOTHER ROOM. IT WAS
23 WHAT WE DETERMINED TO BE AN OFFICE SPACE ON THE SECOND
24 FLOOR.

25 MS. SARTORIS: YOUR HONOR, I'D LIKE TO MOVE

1 EXHIBIT 790 INTO EVIDENCE.

2 THE COURT: ANY OBJECTION?

3 MR. SPERTUS: IF I COULD JUST HAVE A MOMENT, YOUR
4 HONOR.

5 (REVIEWING DOCUMENT.)

6 MR. SPERTUS: NO OBJECTION, YOUR HONOR.

7 THE COURT: THANK YOU. EXHIBIT 790 IS ADMITTED.

8 (EXHIBIT 790 IS ADMITTED.)

9 Q BY MS. SARTORIS: OKAY. SO IF YOU COULD LOOK AT PAGE
10 -- LET'S START WITH PAGE 1 OF EXHIBIT SO THAT THE JURY CAN
11 SEE IT.

12 IS THAT THE ROOM YOU JUST DESCRIBED?

13 A YES, IT IS.

14 Q IF YOU TURN TO PAGE 2, WHAT DO YOU SEE HERE?

15 A THIS IS A PHOTO OF A DESK THAT WAS IN THIS ROOM.

16 Q AND WHAT DO YOU SEE ON THE DESK?

17 A THERE'S A VARIETY OF DIGITAL DEVICES ON THE DESK. IN
18 PARTICULAR, THERE'S A GREY OR SILVER LAPTOP WITH A THUMB
19 DRIVE AND A BLACK CORD ON -- PLUGGED IN ON THE LEFT SIDE OF
20 THE LAPTOP.

21 Q AND IF YOU TURN TO PAGE 3?

22 A PAGE 3 IS A PHOTOGRAPH TAKEN FROM THE FRONT VIEW OF
23 THIS DESK. YOU'LL NOTICE THE SAME GREY AND SILVER LAPTOP
24 ON THE LEFT-HAND SIDE OF THE DESK. IT'S GOT TWO THUMB
25 DRIVES PLUGGED IN, ONE ON EITHER SIDE, AND THEN A BLACK

1 CORD LEADING TO A HARD DRIVE THAT'S BEHIND THAT YELLOW
2 POST-IT. ANOTHER ITEM TO NOTE IS IN THE BOTTOM RIGHT-HAND
3 CORNER UNDERNEATH THE DESK, IT'S A LITTLE BIT HARD TO SEE,
4 BUT THERE IS A BLACK COMPUTER.

5 Q AND PAGE 4?

6 A PAGE 4 IS GOING TO BE A PHOTOGRAPH IDENTIFYING THE
7 SILVER LAPTOP, THE THUMB DRIVES AND HARD DRIVES THAT WERE
8 ATTACHED TO IT, WITH THE U-10 AS AN ITEM THAT WAS
9 COLLECTED.

10 Q AND PAGE 5?

11 A PAGE 5 IS JUST A CLOSE-UP PHOTO OF THE ITEMS.

12 Q AND WHAT ABOUT PAGE 6?

13 A PAGE 6 IS A PHOTOGRAPH OF THE BLACK COMPUTER THAT WAS
14 UNDERNEATH THE DESK ON THE RIGHT-HAND SIDE -- UNDERNEATH
15 THE DESK ON THE RIGHT-HAND SIDE. AND THEN BEHIND THE WHITE
16 ITEM NUMBER, YOU'LL SEE A BLACK BOX, WHICH IS A HARD DRIVE.

17 Q AND ARE THESE SOME OF THE ITEMS THAT WE PREVIOUSLY
18 DISCUSSED ON GOVERNMENT'S EXHIBIT 1645? IF YOU COULD TURN
19 TO THAT EXHIBIT, PLEASE.

20 A OKAY.

21 Q AND ARE THESE ON PAGES 1 THROUGH 4, 8, AND 13 OF THAT
22 EXHIBIT?

23 A YES, THEY ARE.

24 Q TURNING BACK TO THE PHOTO EXHIBIT 790, THE SECOND
25 FLOOR OFFICE THAT YOU WERE DISCUSSING, WERE THERE DOCUMENTS

1 OR OTHER PHYSICAL ITEMS IN ADDITION TO DIGITIAL DEVICES
2 SEIZED FROM THAT ROOM?

3 A YES, THERE WAS.

4 Q AND IF I ASK YOU TO LOOK AT EXHIBITS 702, 703, 704,
5 THAT WOULD BE IN BINDER 9 --

6 A OKAY.

7 Q -- WERE THESE ITEMS SEIZED FROM THIS OFFICE?

8 A YES, THEY WERE.

9 MS. SARTORIS: YOUR HONOR, I'D LIKE TO MOVE
10 EXHIBIT 702, 703, 704 INTO EVIDENCE.

11 THE COURT: ANY OBJECTION?

12 MR. SPERTUS: NO OBJECTION, YOUR HONOR.

13 THE COURT: ALL RIGHT. EXHIBIT 702, 703, 704 ARE
14 ADMITTED.

15 (EXHIBITS 702, 703, 704 WERE ADMITTED.)

16 Q BY MS. SARTORIS: SPECIAL AGENT MILLER, I'D LIKE TO
17 PUBLISH EXHIBIT 702. COULD YOU LOOK AT EXHIBIT 702,
18 PLEASE, AND TELL US WHAT IT IS.

19 A SO EXHIBIT 702 IS A SERIES OF BUSINESS CARDS FOR A
20 HONG KONG BRANCH OF COUTTS BANK. THEY'RE DUAL-SIDED, SO
21 ONE SIDE IS IN MANDARIN AND THE OTHER SIDE IS IN ENGLISH.

22 Q OKAY. CAN YOU TURN TO PAGE 2 OF EXHIBIT 702.

23 A OKAY.

24 Q WHAT IS THAT?

25 A SO THIS IS ONE OF THE BUSINESS CARDS FOR THE COUTTS'

1 HONG KONG BRANCH, AND IT IS A BUSINESS CARD FOR THE VICE
2 PRESIDENT OF WEALTH PLANNING.

3 Q AND IF YOU TURN TO EXHIBIT -- PAGE 4 OF THAT EXHIBIT,
4 WHAT IS THAT?

5 A THIS IS ANOTHER COUTTS BUSINESS CARD FOR THE HONG KONG
6 BRANCH FOR AN INDIVIDUAL UNDER THE SENIOR CLIENT PARTNER,
7 EXECUTIVE VICE PRESIDENT.

8 Q AND PAGE 6?

9 A THIS IS THE THIRD COUTTS BUSINESS CARD FOR THE HONG
10 KONG BRANCH FOR SOMEONE IN THE INVESTMENT CONSULTANT.

11 Q IF WE LOOK AT EXHIBIT 703, WHAT IS THIS?

12 A THIS IS A CHINESE VISA WITH THE DEFENDANT'S NAME AT
13 THE BOTTOM, YI-CHI SHIH. AND THE DATE FOR THIS CHINESE
14 VISA IS FEBRUARY 22, 2010 TO FEBRUARY 22, 2012.

15 Q AND EXHIBIT 704, WHAT IS THIS?

16 A THIS IS A VISA APPLICATION FORM FOR THE PEOPLE'S
17 REPUBLIC OF CHINA WITH THE DEFENDANT'S NAME YI-CHI SHIH ON
18 IT. IT ALSO HAS A CALIFORNIA DRIVER'S LICENSE NUMBER ON
19 THE FIRST PAGE.

20 Q AND IF YOU LOOK AT PAGE 3 OF THAT EXHIBIT, WHAT DOES
21 IT SHOW IN THE ADDRESS PART, THE INTENDED STAY SECTION?

22 A UNDER THE ADDRESS, IT LISTS CHENGDU, CHINA.

23 Q AND WHAT DATE?

24 A FOR AUGUST 7 OF 2016.

25 Q AND IF YOU TURN TO PAGE 4 --

1 THE COURT: ARE YOU PUBLISHING 65455?

2 MS. SARTORIS: YES, YOUR HONOR. THAT WAS 65455.

3 THE COURT: THANK YOU.

4 Q BY MS. SARTORIS: AND IF WE MOVE TO THE NEXT PAGE

5 65456, WHAT DO YOU SEE AS THE E-MAIL ADDRESS?

6 A THE E-MAIL ADDRESS IS LISTED AS YICHISHIH@GMAIL.COM.

7 Q AND YOU SEE SOME FAMILY MEMBERS. AND WHAT ARE THERE

8 ARE OCCUPATIONS?

9 A THE FIRST NAME, SUE JANE L. SHIH, THE OCCUPATION IS

10 LISTED AS RETIRED, AND THE RELATIONSHIP IS SPOUSE. THE

11 NEXT NAME IS APRIL Y. SHIH. THE OCCUPATION IS

12 SCREENWRITER, AND THE RELATIONSHIP IS DAUGHTER. AND THE

13 THIRD NAME IS ALICE J. SHIH. THE OCCUPATION IS FASHION

14 DESIGNER, AND THE RELATIONSHIP IS DAUGHTER.

15 Q AND SO LOOKING AT PAGE 6 OF THIS EXHIBIT, WHAT ELSE

16 WAS INCLUDED IN THESE DOCUMENTS?

17 A THIS IS A PHOTOGRAPH OF THE DEFENDANT'S PASSPORT. IT

18 HAS HIS NAME, YI-CHI SHIH, AND A PICTURE OF HIM ON IT.

19 Q COULD I ASK YOU TO TURN YOUR ATTENTION TO WHAT'S BEEN

20 MARKED AS PHOTO EXHIBIT 791. IT WOULD BE IN VOLUME 9(B).

21 A OKAY.

22 Q ARE YOU FAMILIAR WITH THIS?

23 A YES. THIS IS A PHOTOGRAPH THAT WAS TAKEN IN THE

24 RESIDENCE ON THE SECOND FLOOR, IN A BEDROOM ON THE SECOND

25 FLOOR.

1 Q AND DID THE BEDROOM APPEAR TO BELONG TO A FEMALE?

2 A YES.

3 MS. SARTORIS: AND, YOUR HONOR, I WOULD LIKE TO
4 MOVE GOVERNMENT'S EXHIBIT 791 INTO EVIDENCE.

5 MR. SPERTUS: NO OBJECTION.

6 THE COURT: EXHIBIT 791 IS ADMITTED.

7 (EXHIBIT 791 WAS ADMITTED.)

8 Q BY MS. SARTORIS: TURNING TO THE SECOND PAGE OF THAT
9 EXHIBIT --

10 A OKAY.

11 Q -- WHAT IS THIS?

12 A THIS IS A CLOSE PHOTO OF BUSINESS CARDS THAT WERE
13 SEIZED FROM THIS BEDROOM.

14 Q COULD I ASK YOU TO LOOK AT GOVERNMENT'S EXHIBIT 705,
15 WHICH IS IN BINDER B.

16 A OKAY.

17 Q DO YOU RECOGNIZE THIS?

18 A YES, THIS IS THE BUSINESS CARD THAT WAS SEIZED FROM
19 THE BEDROOM.

20 MS. SARTORIS: YOUR HONOR, I'D LIKE TO MOVE
21 EXHIBIT 705 INTO EVIDENCE.

22 MR. SPERTUS: NO OBJECTION.

23 THE COURT: THANK YOU. EXHIBIT 705 IS ADMITTED.

24 (EXHIBIT 705 WAS ADMITTED.)

25 Q BY MS. SARTORIS: SO REAL BRIEFLY, COULD YOU EXPLAIN

1 TO THE JURY WHAT THIS EXHIBIT REFLECTS?
2 A THIS EXHIBIT IS A BUSINESS CARD FOR CHENGDU GASTONE
3 TECHNOLOGY. IT HAS THE NAME YI-CHI SHIH ON IT, AS WELL AS
4 THE TITLE PRESIDENT. AND YOU'LL NOTICE THE ADDRESS IS IN
5 CHENGDU CHINA, AND THE ADDRESS IS YICHISHIH@HOTMAIL.COM.

6 Q NOW, DID YOU ALSO SEIZE ITEMS FROM DEFENDANT'S
7 BEDROOM?

8 A YES, WE DID.

9 Q COULD YOU TURN TO GOVERNMENT'S EXHIBIT 792. IT'S A
10 PHOTO EXHIBIT IN BINDER 9(B).

11 A OKAY.

12 Q NOW, LOOKING AT THE -- DO YOU HAVE THAT EXHIBIT IN
13 FRONT OF YOU?

14 A YES, I DO.

15 Q DO YOU RECOGNIZE WHAT THIS IS?

16 A YES. THIS IS A SERIES OF PHOTOGRAPHS THAT WERE TAKEN
17 FROM THE MASTER BEDROOM ON THE SECOND FLOOR OF THE
18 RESIDENCE.

19 MS. SARTORIS: YOUR HONOR, I'D ASK TO MOVE
20 GOVERNMENT'S EXHIBIT 792 INTO EVIDENCE.

21 MR. SPERTUS: NO OBJECTION.

22 THE COURT: THANK YOU. EXHIBIT 792 IS ADMITTED.

23 (EXHIBIT 792 WAS ADMITTED.)

24 THE COURT: MS. SARTORIS, YOU LET ME KNOW WHEN
25 YOU GET TO A CONVENIENT PLACE TO STOP.

1 MS. SARTORIS: YOUR HONOR, NOW WOULD BE FINE.

2 THE COURT: HOW MUCH MORE TIME DO YOU HAVE WITH
3 THIS WITNESS?

4 MS. SARTORIS: I THINK ABOUT 45 MINUTES.

5 THE COURT: LADIES AND GENTLEMEN, WE'LL TAKE OUR
6 NEXT BREAK HERE. I DON'T THINK WE'LL BE BREAKING AS LONG
7 AS THE LAST TIME, BUT FOR ABOUT 15, 20 MINUTES. WE NEED TO
8 CHANGE REPORTERS AND DO A FEW OTHER THINGS. SEE YOU IN
9 ABOUT 20 MINUTES. PLEASE DO NOT DISCUSS THE CASE DURING
10 THE BREAK. THANK YOU.

11 THE CLERK: ALL RISE.

12 (JURORS OUT AT 1:30 P.M.)

13 THE COURT: MS. MILLER, YOU MAY STEP DOWN, AS
14 WELL. ANY ISSUES YOU WANT TO DISCUSS BEFORE THE BREAK?

15 MS. SARTORIS: NO, YOUR HONOR.

16 MR. SPERTUS: NO YOUR HONOR.

17 THE COURT: THANK YOU.

18 (PROCEEDINGS ADJOURNED AT 1:30 P.M.)

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1 STATE OF CALIFORNIA)
2) SS
2 COUNTY OF LOS ANGELES)

3

4 CERTIFICATION OF REPORTER PRO TEMPORE

5

6 I, SERENA WONG, CERTIFIED SHORTHAND REPORTER PRO
7 TEMPORE, IN AND FOR THE UNITED STATES DISTRICT COURT FOR
8 THE CENTRAL DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT
9 PURSUANT TO SECTION 753, TITLE 28, UNITED STATES CODE, THAT
10 THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
11 STENOGRAPHICALLY REPORTED PROCEEDINGS HELD IN THE
12 ABOVE-ENTITLED MATTER, AND THAT THE TRANSCRIPT PAGE FORMAT
13 IS IN CONFORMANCE WITH THE REGULATIONS OF THE JUDICIAL
14 CONFERENCE OF THE UNITED STATES.

15

16 DATED: JUNE 6, 2019.

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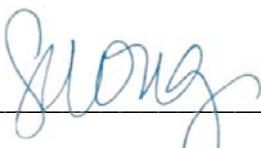
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SERENA WONG, CSR 10250, RPR, CCRR 200
FEDERAL COURT REPORTER, PRO TEMPORE